



City of Huntington Beach Planning and Building Department
STAFF REPORT

TO: Planning Commission
FROM: Scott Hess, AICP, Director of Planning and Building
BY: Ethan Edwards, AICP, Associate Planner *EE*
DATE: August 14, 2012

SUBJECT: MITIGATED NEGATIVE DECLARATION NO. 11-007/COASTAL DEVELOPMENT PERMIT NO. 11-012/CONDITIONAL USE PERMIT NO. 11-021/ENTITLEMENT PLAN AMENDMENT NO. 11-007/VARIANCE NO. 11-005 (PIERSIDE PAVILION EXPANSION)

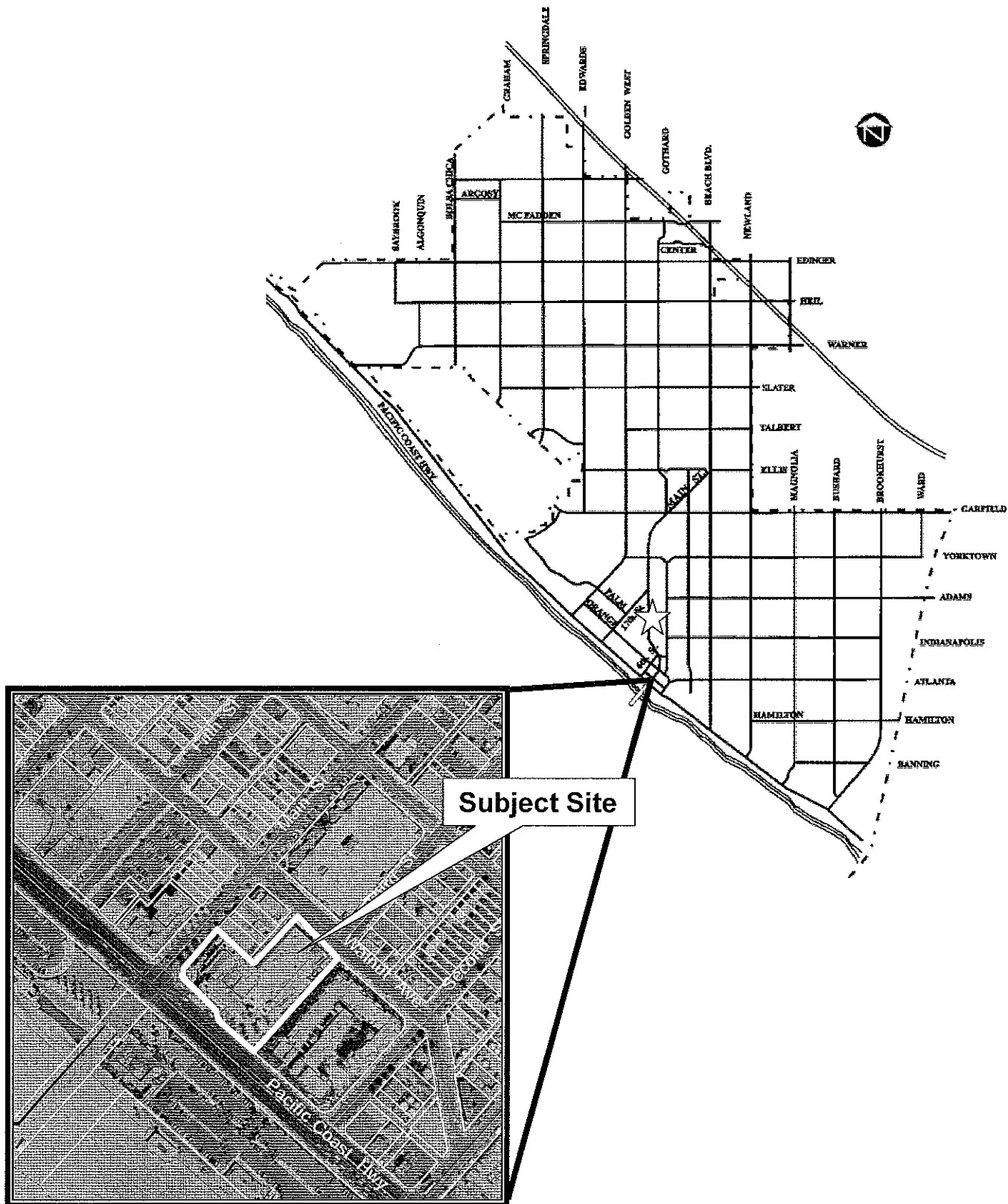
APPLICANT: Michael Adams, Michael C. Adams Associates, P.O. Box 382, Huntington Beach, CA 92648
PROPERTY

OWNER: Joe Daichendt, Theory R Properties LLC, 1 Hammond Road, Ladera Ranch, CA 92694

LOCATION: 300 Pacific Coast Highway, 92648 (northeast corner of Pacific Coast Highway and Main Street)

STATEMENT OF ISSUE:

- ♦ Mitigated Negative Declaration No. 11-007 analyzes the potential environmental impacts associated with the implementation of the proposed project.
- ♦ Coastal Development Permit No. 11-012/Conditional Use Permit No. 11-021 represent a request for the following:
 - To permit the demolition of approximately 400 sq. ft. of the existing structure including an elevator shaft and two stairwells; and construct a connecting four-story, 90 foot high, approximately 27,772 square foot mixed-use, visitor serving/office building and approximately 9,401 sq. ft. infill expansion by extending existing storefronts;
 - To permit the expansion of the allowable uses within the Pierside Pavilion development from the previously approved limits established by Entitlement Plan Amendment No. 07-01 and the Owner Participation Agreement (executed in 2009 and amended in 2011) by adding 10,527 sq. ft. of retail, 5,705 sq. ft. of restaurant, and 21,441 sq. ft. of office;
 - To permit the sale and consumption of alcoholic beverages within the restaurant areas; and,
 - To permit shared parking.
- ♦ Entitlement Plan Amendment No. 11-007 represents a request to amend Conditional Use Permit No. 10-017 to modify the location of the existing retail carts on public and private property.
- ♦ Variance No. 11-005 represents a request to permit a maximum height of 68 ft. (plus up to 90 ft. for mechanical housing) in lieu of a maximum height of 45 ft.



VICINITY MAP

MITIGATED NEGATIVE DECLARATION NO. 11-007/
 COASTAL DEVELOPMENT PERMIT NO. 11-012/ CONDITIONAL USE PERMIT NO. 11-021/
 VARIANCE NO. 11-005 (PIERSIDE PAVILION EXPANSION – 300 PCH)

- ♦ Staff's Recommendation:
 - ♦ Approve Mitigated Negative Declaration No. 11-007 based on the project, with mitigation, will have no significant adverse environmental impacts.
 - ♦ Approve Coastal Development Permit No. 11-012, Conditional Use Permit No. 11-021, Entitlement Plan Amendment No. 11-007 and Variance No. 11-005 with modifications based upon the following:
 - Conformance to applicable goals and policies of the General Plan and the provisions of the DTSP and Zoning Ordinance; and,
 - The development complies with all minimum development standards with exception of the requested variance.
- ♦ Staff's Suggested Modifications:
 - Coastal Development Permit No. 11-012 and Conditional Use Permit No. 11-021
 - Require rooftop deck walls (including parapet, mechanical screening, glass screening, etc.) not to be less than or exceed 42 inches in height.
 - Rooftop mechanical equipment (and all associated screening) shall be setback 15 feet from the exterior edges of the building.
 - Require a full height (floor to ceiling) glass window at the eastern elevation of the outdoor dining area located on the 2nd floor.
 - Require that the reference to new office area on the 1st floor plan be removed. Only visitor-serving commercial uses are allowed anywhere on the ground floor.
 - Require the Design Review Board (DRB) to review the overall design and building massing of the proposed project. The recommendation is to review the additions building massing and consider additional upper-story setbacks, review the proposed colors/materials (including anti-bird strike solutions) to ensure architectural compatibility with the existing structure and adjacent buildings and overall Design Guidelines conformance.
 - Require the roof element of the eastern stairwell to contrast with the existing building roof design (**DRB**)
 - Require that the use of the rooftop deck shall be prohibited until a revised noise study is submitted that demonstrates compliance with the City's noise ordinance and the design of the deck is compatible with the surrounding uses. The noise study shall be submitted to the Planning Division for review and approval prior to occupancy and use of the roof top deck.

Entitlement Plan Amendment No. 11-007

- Revise the proposed cart locations to comply with Conditional Use Permit No. 10-017 (Pierside Pavilion Carts) conditions of approval and code requirements.

Variance No. 11-005

- Require that the maximum building height is decreased from top of parapet height of 68' to 62' to match the height of the existing building.

RECOMMENDATION:

Motion to:

- A. "Approve Mitigated Negative Declaration No. 11-007 with findings and mitigation measure (Attachment No. 1);"
- B. "Approve Coastal Development Permit No. 11-012, Conditional Use Permit No. 11-021, Entitlement Plan Amendment No. 11-007, and Variance No. 11-005 as modified with findings and suggested conditions of approval (Attachment No. 1)."

ALTERNATIVE ACTION(S):

The Planning Commission may take alternative actions such as:

- A. "Deny Mitigated Negative Declaration No. 11-007, Coastal Development Permit No. 11-012, Conditional Use Permit No. 11-021, Entitlement Plan Amendment No. 11-007, and Variance No. 11-005 with findings for denial."
- B. "Continue Mitigated Negative Declaration No. 11-007, Coastal Development Permit No. 11-012, Conditional Use Permit No. 11-021, Entitlement Plan Amendment No. 11-007, and Variance No. 11-005 and direct staff accordingly."

PROJECT PROPOSAL:

Mitigated Negative Declaration No. 11-007 analyzes the potential environmental impacts associated with implementation of the proposed project.

Coastal Development Permit No. 11-012 and Conditional Use Permit No. 11-021 represents a request for the following:

- A. To permit the demolition of approximately 400 sq. ft. of the existing structure including an elevator shaft and two stairwells; and construct a connecting four-story, 90 foot high, approximately 27,772 square foot mixed-use, visitor serving/office building and approximately 9,401 sq. ft. infill expansion by extending existing storefronts pursuant to Chapter 245 Coastal Permit of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and Section 3.3.1.3 Permitted Uses of the Downtown Specific Plan (DTSP).
- B. To permit the sale and consumption of alcoholic beverages within the restaurant areas pursuant to Section 3.3.1.3 Permitted Uses of the DTSP.
- C. To permit the expansion of the allowable uses within the Pierside Pavilion development from the previously approved limits established by Entitlement Plan Amendment No. 07-01 and the Owner Participation Agreement (executed in 2009 and amended in 2011) by adding 10,527 sq. ft. of retail, 5,705 sq. ft. of restaurant, and 21,441 sq. ft. of office pursuant to Section 3.3.1.3 Permitted Uses of the DTSP.
- D. To permit shared parking pursuant to Chapter 231 Off-Street Parking and Loading Provisions of the HBZSO and Section 3.2.26.9 Other Parking Considerations of the DTSP.

Entitlement Plan Amendment No. 11-007, represents a request to amend Conditional Use Permit No. 10-017 to modify the location of the existing retail carts on public and private property pursuant to Chapter 241.18 Changed Plans of the HBZSO.

Variance No. 11-005, represents a request to permit a maximum height of 68 ft. (plus up to 90 ft. for mechanical housing) in lieu of a maximum height of 45 ft. pursuant to Section 3.3.1.8, Maximum Building Height, of the DTSP.

The project proposes to modify and expand the existing Pierside Pavilion development. The site is currently developed with a 4-story, 90 foot high, mixed use building consisting of approximately 89,415 sq. ft. of retail, restaurant and office uses; and 296 parking spaces within two subterranean levels with access from Walnut Avenue. The site consists of one lot with a total gross lot area of approximately 76,650 sq. ft.

The project proposes to demolish approximately 400 sq. ft. of the existing structure including an elevator shaft and two stairwells; and construct a connecting four-story, 90 foot high, approximately 27,772 square foot mixed-use, visitor serving/office building and 9,401 sq. ft. infill expansion by extending existing ground floor storefronts within existing arcades. The table below describes the existing area, proposed infill area, new building area, and total building area for the project:

Pierside Pavilion Square Footage				
	Existing S.F.	Proposed Infill S.F.	New Building S.F.	Total S.F.
Retail	15,406	4,501	5,526	25,433
Office	54,182*	3,323*	18,118	74,501
Restaurant	19,829	1,577	4,128	26,654
TOTAL	89,415	9,401	27,772	126,588

*includes 400 sq. ft. demo area

The project proposes to expand the allowable uses within the Pierside Pavilion development from the previously approved limits established by Entitlement Plan Amendment No. 07-01 by adding 10,527 sq. ft. of retail, 5,705 sq. ft. of restaurant, and 21,441 sq. ft. of office. The changes required entitlement plan amendment applications (discussed in the Background section below) to modify the mix of allowable uses; however the overall square footage never exceeded the maximum cap of 90,000 sq. ft. The current request will expand the overall square footage and establish a new cap of approximately 126, 588 sq. ft., thus requiring a new conditional use permit and coastal development permit for review and approval. Approximately 10,027 sq. ft. of retail area is proposed on the first level facing the perimeter of the building, approximately 5,508 sq. ft. of office space and approximately 1,577 sq. ft. of restaurant infill area is located behind or within the interior portions of the first level. Approximately 4,967 sq. ft. of restaurant area is proposed on the second level and approximately 7,135 sq. ft. of office area is proposed on the third level and approximately 6,837 sq. ft. of office area is proposed on the fourth level. Approximately 3,069 sq. ft. of outdoor terraces are proposed on the second and third levels; and approximately 6,146 sq. ft. of outdoor dining is proposed on the second floor and rooftop deck. Parking will be provided within an existing two-level subterranean parking garage including 296 parking spaces on-site and share up to 234 parking spaces in the Municipal parking structure located at 200 Main Street.

The project includes a variance request to allow a height of 68 feet (plus up to 90 feet for mechanical housing) for the new, expanded portion of the building in lieu of the maximum of 45 feet. Also, an entitlement plan amendment to amend Conditional Use Permit No. 10-017 is proposed to modify the location of the existing retail carts on public and private property.

The project will be constructed in three overlapping phases over an approximately 12 month period with all existing businesses to remain open. Phase I includes the construction of an elevator tower to service the existing and proposed building areas. During the above ground construction of the tower, work will continue in the lower level of the parking structure preparing column footings. The entire work of this phase will continue for approximately four months, with two months of this time devoted to constructing the elevator within the new tower.

Phase II will commence with the demolition of the existing tower and stairs and the placement of steel columns and beams through the roof and floor of the first level of the parking structure. The parking structure will continue to operate during construction; however some existing parking spaces may be temporarily unavailable. The property will continue to share up to 300 parking spaces within the adjacent municipal parking structure located at 200 Main Street during the construction phases. The entire Phase II will encompass seven months of construction time with the use of an on-site crane/hoist and scaffolding to accomplish interior and exterior construction.

Phase III will commence upon completion of the addition with renovations to the walkways along PCH, the alleyway adjacent to Pier Colony and the renovations to the stairwell at Main Street. Following the completion of this work, the storefronts along Main and PCH will be extended to the 'drip line'; and minor cosmetic changes will be made to the building. These include painting of the entire building, painting the glazing metals to match the new addition, patching and repairing stucco, and upgrading the lighting systems and landscape around the property. This phase will continue for three months.

The project is located on Pacific Coast Highway, a scenic corridor in the City of Huntington Beach General Plan Circulation Element. The setting along PCH is characterized by beach facilities, shoreline, the Municipal Pier, and recreational amenities on the south side and a mix of development on the north side. The architecture of the proposed building consists of a contemporary design theme, which includes materials such as light colored smooth stucco finish, tower elements, flat roof and glass railing systems.

Background:

The Planning Commission approved Conditional Use Permit No. 88-07 with Special Permits and Coastal Development Permit No. 88-03 to develop a mixed-use project with a 90,000 square foot entertainment complex, including retail, office and a 6-plex movie theater (Pierside Pavilion) in addition to a 130-unit condominium project (Pier Colony). The developer and the City's Redevelopment Agency entered into a Disposition and Development Agreement (DDA) to develop the property. In 1990 the Planning Commission approved Conditional Use Permit No. 90-37 and Coastal Development Permit No. 90-21 to modify the original mix of uses by reducing the square footage of retail uses and increasing the square footage of restaurant uses. In 2009, the Planning Commission approved Entitlement Plan Amendment No. 07-01 to eliminate the theater use and increase retail, office and restaurant square footage. Most recently, the Director approved Entitlement Plan Amendment No. 11-05 (minor amendment) to amend the mix of uses originally established by Conditional Use Permit No. 90-37 and Coastal Development Permit

No. 90-21 and amended by Entitlement Plan Amendment No. 07-001 by increasing the maximum office square footage. A comparison of the changes over time is shown in the table below.

USES	CUP 88-7 CDP 88-3	CUP 90-37 CDP 90-21	EPA 07-01	EPA 11-05
Theater	30,000 sq.ft.	30,000 sq.ft.	N/A	N/A
Retail	23,575 sq.ft.	12,624 sq.ft.	19,000 sq.ft.	19,000 sq.ft.
Office	15,925 sq.ft.	15,925 sq.ft.	51,000 sq.ft.	55,000 sq.ft.
Restaurant	16,500 sq.ft.	26,731 sq.ft.	29,000 sq.ft.	29,000 sq.ft.
Subtotal	86,000 sq.ft.	85,280 sq.ft.	99,000 sq.ft.	103,000 sq.ft.
Total Gross Area Cap	90,000 sq.ft.	90,000 sq.ft.	90,000 sq.ft.	90,000 sq.ft.

The modifications to the mix of uses shown above were to allow additional capacity in each land use category to allow flexibility to meet future market demands provided that the project total square footage did not exceed the existing building square footage (90,000 sq. ft.).

Public Meetings:

The applicant held two public neighborhood meetings to engage surrounding neighbors and anyone interested in the proposed project. The first meeting was held on July 10, 2012, (11:30 AM) at Spark Woodfire Grill located on the subject property. Approximately 30 people were in attendance including residents/owners of Pier Colony, downtown business owners, Planning Commissioners and staff. The applicant gave an overview of the project including the display of plans and renderings. Several attendees asked questions and commented in opposition to the proposal. Common opposition issues included the proposed height, design compatibility, increased noise, decreased views, decreased property value, and safety. A second meeting was held on July 10, 2012 (6:00 PM) at Harbour View Clubhouse, located at 16600 Saybrook Lane. Three people were in attendance. Again the applicant gave an overview of the project and answered questions.

Study Session Summary:

The project was presented at the Planning Commission study session on July 24, 2012. The Planning Commission asked if any design issues were raised by the Design Review Board (DRB) and if staff will respond to the draft Mitigated Negative Declaration comments. Staff responded that the DRB did review the design and recommended one condition of approval; and that staff would provide a response to comments as an attachment in the public hearing staff report. Additionally, there were a few members of the public who commented on issues related to the proposed design including lack of compatibility, increased pedestrian congestion and noise. No further questions or follow up items were asked of staff.

ISSUES:

Subject Property And Surrounding Land Use, Zoning And General Plan Designations:

LOCATION	GENERAL PLAN	ZONING	LAND USE
Subject Property	M->30-d-sp-pd (Mixed-Use –30 du/ac – design overlay – specific plan overlay – pedestrian overlay)	DTSP (Downtown Specific Plan - District 1)	Retail/Office/Restaurants /Parking
North of Subject Property (across Walnut Avenue)	M->30-d-sp-pd	DTSP (District 1)	Retail/Restaurants/ Parking Structure
South of Subject Property (across Pacific Coast Hwy)	CV-d-sp (Commercial Visitor – design overlay – specific plan overlay)	DTSP (District 6)	Pier/Restaurants/Beach
West of Subject Property (across Main Street)	M->30-d-sp-pd	DTSP (District 1)	Retail/Office
East of Subject Property	M->30-d-sp-pd	DTSP (District 1)	Residential Condominiums

General Plan Conformance:

The General Plan Land Use Map designation on the subject property is M->30-d-sp-pd (Mixed-Use –30 du/ac – design overlay – specific plan overlay – pedestrian overlay). The proposed project is consistent with this designation and the goals, policies, objectives, and implementation program of the City's General Plan as follows:

A. Land Use Element

Goal – LU 4: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective – LU 7.1: Accommodate the development of a balance of land uses that provides for commercial, employment, entertainment, and recreation needs of existing and future residents, and provides employment opportunities for residents of the City and the surrounding region and captures visitor and tourist activity.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridors, and centers.

Objective – LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy – 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures prevent negative impacts on adjacent properties.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts.

The design of the project as amended by staff's suggested modifications promotes the development of a mixed-use building that conveys a unified, high-quality visual image and character that is intended to expand the existing development pattern of Downtown Huntington Beach. The City's Design Review Board has reviewed the proposed architecture, colors and materials and has indicated that it would recommend approval of the design concept, however requested that the sheer massing of the project be modified to further ensure compatibility with the surrounding area. The proposed project as modified utilizes mixed-vertical uses in accordance with the patterns and distribution of use within the Land Use Map of the City of Huntington Beach General Plan. Commercial uses such as retail establishments will be located within the first story as required by the Visitor-Serving Commercial Overlay, restaurant uses on the second floor and rooftop, and office uses on the third and fourth floors. The project's public areas and open space incorporate enhanced hardscape and landscape materials consistent with the DTSP Design Guidelines. The proposed project will provide a wide arrange and diversity of commercial uses and cater to the needs of local residents and residents in the surrounding region. The project will provide additional commercial uses that will encourage tourism to the site and the surrounding area. The project will facilitate employment opportunities and will not impact the subject site and surrounding area.

B. Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme.

Policies - UD 2.1.1: Require that new development be designed to consider coastal views in its massing, height, and site orientation.

The project is located on Pacific Coast Highway, a scenic corridor in the City of Huntington Beach General Plan Circulation Element. The setting along PCH is characterized by beach facilities, shoreline, the Municipal Pier, and recreational amenities on the south side and a mix of development on the north side. The architecture of the proposed building consists of a contemporary design theme, which includes materials such as light colored smooth stucco finish, tower elements, flat roof and glass railing systems. The applicant submitted a public view analysis consisting of renderings of the completed project at varying angles. The renderings illustrate that existing public views, such as views looking north and south along PCH, will not be impacted by the proposed project. The proposed project will be located across PCH, away from nearby scenic vistas (i.e., pier and beach), and will not have a substantial adverse effect to these scenic resources. To ensure architectural compatibility, staff recommends that the building massing be reviewed by

the Design Review Board. The recommendation is to review the addition's building massing and consider additional upper-story setbacks, review the proposed colors/materials to ensure architectural compatibility with the existing structure and adjacent buildings and overall Design Guidelines conformance.

C. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

The development as amended by staff's suggested modifications consists of the expansion of a mixed-use project, which includes visitor-serving commercial located on the ground floor for retail establishments. The proposed project would develop a mix of visitor-serving commercial and office uses on a parcel including and contiguous to similar uses in an established, urban, downtown core area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The project site is also located near established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

Zoning Compliance:

This project is located in District No. 1, Downtown Core Mixed-Use of SP5 - CZ (Downtown Specific Plan – Coastal Zone), which establishes the area as the downtown for the City by creating a more urban atmosphere, encouraging relatively higher intensity development, and promotes visitor-serving mixed-use commercial, office, and residential developments. With the exception of the variance and incorporation of the suggested modifications and conditions of approval the project complies with the minimum requirements of the base zone. In addition, a list of City Code Requirements, Policies, and Standard Plans of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Code has been provided to the applicant (Attachment No. 4) for informational purposes only.

Urban Design Guidelines Conformance:

The project is subject to the DTSP – Design Guidelines which provide the minimum qualitative design expectations for the downtown. All development is required to comply with the spirit and intent of the design guidelines. Building forms and facades influence cohesiveness, comfort, and aesthetic pride and at the same time promote general pedestrian activity, encourage shopping, and increase a sense of security.

Where commercial mixed-use buildings are neighbors to residential buildings or where infill buildings are being constructed, consideration of scale, detail, and materials is very important. The massing and scale of structures should remain in harmony with the surrounding natural setting and existing structures. Tall buildings should be made less imposing by stepping back from the street level on elevations above the ground floor; and monolithic facades should be broken by horizontal and vertical articulation.

The most intense development and activity occurs at the intersection of Pacific Coast Highway and Main Street, across from the Municipal Pier, Pier Plaza, and the beach. Two large developments – the subject Pierside Pavilion and the Oceanview Promenade project are developed on the two corners of the intersection with 4 stories each and heights that reach up to 71 feet high and architectural features that are 90 feet high. Additionally, to the east of Pierside Pavilion is Pier Colony, a 4 story, 130-unit residential condominium building. All three buildings share a common theme that includes Mediterranean architectural elements, and exceed the maximum height of 45 feet allowed by the DTSP. Additionally, they all provide multiple setbacks on upper stories creating a “wedding-cake” effect to increase variation and to minimize the vertical emphasis of the buildings. Furthermore, this design approach fosters a high level of articulation, visual interest, and enhances public and private views.

The proposed building is an expansion of the existing Pierside Pavilion development. The intent of the design is to contrast with the existing and surrounding buildings by providing a more contemporary architectural theme that includes materials such as light colored smooth stucco finish with horizontal reveals, large window glazing systems, tower elements, a flat roof and glass railing systems. The building provides one upper-story setback at 13’-4” for the 2nd story (10’ average setback required by the DTSP) and then the façade runs vertically and continuously without offset to the top of the building.

The project includes a variance request to exceed the maximum height of 45 feet. The project proposes four stories with a building height of 68 feet topped with an 8-foot glass screen wall and an architectural tower (mechanical housing) up to 90 feet high. The design intent is to match the existing building height and floor plates to allow for more efficient access and internal circulation. However, the 4th floor top plate exceeds the minimum required floor height and as such, staff recommends a condition of approval to decrease the building height from top of parapet of 68 feet to 62 feet. This would allow for the proposed design intent to match floor plates and at the same time, limit the extent of the variance request to exceed the maximum height. Additionally, the DTSP limits the height of walls on a rooftop deck to 42” in height. If the wall is greater than 42”, the area is then considered a story (5th) and would not comply with the General Plan. Staff is suggesting a condition of approval to limit the overall height of rooftop deck walls to not less than or greater than 42” in height.

The project currently includes large proportions of glazing which may become a bird-strike issue. Bird strikes can be a result of large areas of glass or other reflective/transparent materials; however this issue was not previously reviewed. The project was reviewed by the City’s Design Review Board (DRB), who is charged with reviewing projects for consistency with community design standards and objectives. The DRB made recommendations to address the building’s size and scale to ensure further compatibility with the surrounding neighborhood (see discussion under Design Review Board below) and staff recommends that the Planning Commission condition the project to have it reviewed by the DRB to review the massing and consider additional upper-story setbacks, and review colors/materials (including anti-bird strike solutions) to ensure architectural compatibility with the existing structure and adjacent buildings.

The project as proposed does not fully comply with the DTSP – Design Guidelines with regard to building design. Continuity among individual buildings in the area contributes to community identity, levels of pedestrian activity, and economic vitality. Design solutions for the proposed building should take into account the physical scale of the area and adjacent buildings and their architectural design, colors and materials. However, with staff's suggested modifications, the design would be brought into greater conformance with the DTSP – Design Guidelines.

Environmental Status:

Staff has reviewed the environmental assessment and determined that no significant impacts are anticipated as a result of the proposed project that could not be mitigated to a level of insignificance with proper design and mitigation measures. Subsequently, draft MND No. 11-007 (Attachment No. 5) was prepared with mitigation measure pursuant to Section 240.04 Environmental Review of the HBZSO and the provisions of the California Environment Quality Act (CEQA). The mitigation measure identifies tree replacement requirements removal of any existing mature trees (Attachment No. 1).

Draft MND No. 11-007 was advertised and made available for a thirty (30) day public review and comment period, which commenced on June 14, 2012 and ended on July 16, 2012. A total of 13 comment letters were received during the review period.

A Response to Comments and Errata was prepared and is included as Attachment No. 6.

Prior to any action on Coastal Development Permit No. 11-012, Conditional Use Permit No. 11-021, Entitlement Plan Amendment No. 11-007, and Variance No. 11-005, the Planning Commission must review and act on MND No. 11-007. Based on the initial study of the project, staff is recommending that the MND be approved with suggested findings and mitigation measure.

Coastal Status:

The proposed project is located within the non-appealable jurisdiction of the Coastal Zone. Coastal Development Permit No. 11-012 is being processed concurrently with Conditional Use Permit No. 11-021, and Variance No. 11-005. The proposed project, as conditioned, complies with the zoning code (with exception to the requested variance) and Coastal Zone requirements, and is consistent with the Coastal Element of the General Plan.

Redevelopment Status: Not Applicable.

Design Review Board:

The Design Review Board (DRB) originally reviewed the proposed design on May 12, 2011 and indicated that it would recommend approval of the design concept, however requested that the sheer massing of the project be modified to further ensure compatibility with the surrounding area. The project came back before the DRB for their official recommendation at the June 14, 2012 meeting. The DRB reviewed the project and supported the overall design including the same massing and height originally reviewed. Staff recommended that additional offsets including upper-story setbacks are incorporated to deemphasize the sheer massing; consider alternative colors, materials and finishes to provide additional articulation; and to incorporate the same or similar window design and/or canopies of the existing

building into the proposed expansion. The DRB took action on the project and recommended approval with only one modification to change the roof element of the eastern stairwell to contrast with the existing building roof design.

The DRB recommendation has been made suggested condition of approval No. 1.a for the proposed project. The applicant concurs with the DRB recommended modification above; however, staff recommends that the Planning Commission condition the project to have it reviewed by the DRB to review the massing and consider additional upper-story setbacks, and review colors/materials (including anti-bird strike solutions) to ensure architectural compatibility with the existing structure and adjacent buildings. This would potentially allow an opportunity for greater design compatibility with the existing building and adjacent/nearby buildings such as Pier Colony and Oceanview Promenade. The project as proposed does not fully comply with the DTSP – Design Guidelines with regard to building design. Continuity among individual buildings in the area contributes to community identity, levels of pedestrian activity, and economic vitality. Design solutions for the proposed building should take into account the physical scale of the area and adjacent buildings and their architectural design, colors and materials. However, with staff's suggested modifications, the design would be brought into greater conformance with the DTSP – Design Guidelines (See discussion under Urban Design Guidelines Conformance)

Other Departments Concerns and Requirements:

The Departments of Planning & Building, Economic Development, Community Services, Fire, Police, and Public Works have reviewed the application and identified comments and applicable code requirements (Attachment No. 4). The Police Department included typical conditions of approval that includes limiting the use of the rooftop deck to the proposed 2nd floor restaurant only and enhanced surveillance and security for the building.

Public Notification:

Legal notice was published in the Huntington Beach/Fountain Valley Independent on August 2, 2012, and notices were sent to property owners of record (*and tenants*) within a 500 ft. radius of the subject property, individuals/organizations requesting notification (Planning Division's Notification Matrix), applicant, and interested parties. As of August 6, 2012, no communication regarding the project has been received.

Application Processing Dates:

DATE OF COMPLETE APPLICATION:

MANDATORY PROCESSING DATE(S):

March 28, 2012

September 28, 2012 (Within 6 months of complete application)

Coastal Development Permit No. 11-012/Conditional Use Permit No. 11-021/Entitlement Plan Amendment No. 11-007/Variance No. 11-005 were filed on October 14, 2011. Environmental Assessment No. 11-007 was deemed complete on March 28, 2012 and the project is required to be processed within 6 months after the application (including environmental review) is deemed complete.

ANALYSIS:

The primary issues to consider with this request are the suggested project modifications, consistency with the General Plan, compliance with the DTSP, and compatibility with the surrounding land uses. The major site plan issues are the variance request to exceed the maximum height, and design compatibility.

Staff's Suggested Modifications

Staff is suggesting the following modifications to support the proposed project, and in some instances to ensure compliance with the Downtown Specific Plan including Design Guidelines and General Plan.

- Require rooftop deck walls (including parapet, mechanical screening, glass screening, etc.) not to be less than or exceed 42 inches in height. (Condition of Approval No. 1.e) – See discussion under General Plan, Land Use Compatibility and Variance below.
- Rooftop mechanical equipment (and all associated screening) shall be setback 15 feet from the exterior edges of the building. (Condition of Approval No. 1.i) – See discussion under Downtown Specific Plan below.
- Require a full height (floor to ceiling) glass window at the eastern elevation of the outdoor dining area located on the 2nd floor. (Condition of Approval No. 1.d) – See discussion under Alcohol Sales/Restaurants below.
- Require that the reference to new office area on the 1st floor plan be removed. Only visitor-serving commercial uses are allowed anywhere on the ground floor. (Condition of Approval No. 1.h) – See discussion under Downtown Specific Plan below.
- Require the Design Review Board (DRB) to review the overall design and building massing of the proposed project. The recommendation is to review the additions building massing and consider additional upper-story setbacks, review the proposed colors/materials (including anti-bird strike solutions) to ensure architectural compatibility with the existing structure and adjacent buildings and overall Design Guidelines conformance. (Condition of Approval No. 1.b) – See discussion under Design Guidelines below.
- Require the roof element of the eastern stairwell to contrast with the existing building roof design. **(DRB)** (Condition of Approval No. 1.a) – See discussion under Design Guidelines below.
- Revise the proposed cart locations to comply with Conditional Use Permit No. 10-017 (Pierside Pavilion Carts) conditions of approval and code requirements. (Condition of Approval No. 1.j) – See discussion under EPA-Retail Carts below.
- Require that the maximum building height is decreased from top of parapet height of 68' to 62' to match the height of the existing building. (Condition of Approval No. 1.c) – See discussion under Downtown Specific Plan and Variance-Maximum Height below.
- Prohibit the use of the rooftop deck until a revised noise study is submitted that demonstrates compliance with the City's noise ordinance and the design of the deck is compatible with the surrounding uses. The noise study shall be submitted to the Planning Division for review and approval prior to occupancy and use of the roof top deck. (Condition of Approval No. 7) – See discussion under Alcohol Sales/Restaurants below.

Discussion of each is included in several sections of the analysis below:

General Plan

The project is located within the Main Street/PCH “Core” Community District and Subarea of the Land Use Element of the General Plan which has a maximum density/intensity of 4-stories. As proposed, the use does not comply with the General Plan because the height of the roof deck parapet, glass & mechanical screen walls exceed 42”, and therefore constitutes as a 5th story. However, with staff’s suggested modification to lower the roof deck walls to a maximum and not less than 42”, the proposed project will comply by utilizing mixed-vertical uses in accordance with the patterns and distribution of use within the Land Use Map of the City of Huntington Beach General Plan, and not exceed the 4-story maximum. Commercial uses such as retail establishments will be located within the first story as required by the Visitor-Serving Commercial Overlay, restaurant uses on the second floor and rooftop, and office uses on the third and fourth floors.

The proposed project would develop a mix of visitor-serving commercial and office uses on a parcel including and contiguous to similar uses in an established, urban, downtown core area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation.

Downtown Specific Plan

The design of the project as modified promotes development of a mixed-use building that conveys a unified, high-quality visual image and character that is intended to expand the existing development pattern of downtown Huntington Beach. The project’s public areas and open space incorporate enhanced hardscape and landscape materials consistent with the DTSP Design Guidelines. The proposed project would, therefore, be consistent with this policy of the Land Use Element. The project will improve an existing underutilized plaza area by expanding the existing development and utilizing the development potential established by the DTSP.

Section 3.3.1.3 Permitted Uses of the DTSP requires that visitor-serving commercial uses are required for all ground floor square footage in the District 1 Visitor Serving Commercial Overlay. The submitted plans indicate that new office is proposed on the ground floor. Staff is recommending a condition of approval that would require any reference to new office area on the 1st floor to be removed from the plans. While the use complies with the base zoning district and all applicable land use plans, the project includes a request for a variance to exceed the maximum height of 45 feet. The project proposes four stories with a building height of 68 feet topped with an 8-foot glass screen wall and an architectural tower (mechanical housing) up to 90 feet high. The proposed project would not, therefore, comply with the height requirement of the Specific Plan. However, the design intent is to match the existing building height (which was permitted pursuant to the regulations of the 1988 DTSP) and floor plates to allow for more efficient access and internal circulation. However, the existing 4th floor top plate exceeds the minimum required floor height and as such, staff recommends a condition of approval to decrease the building height from top of parapet of 68 feet to 62 feet. This would allow for the proposed design intent to match floor plates and at the same time, limit the extent of the variance request to exceed the maximum height. The proposal to deviate from the maximum height, as conditioned, will not result in the development being disproportionate to the building height of surrounding developments due to the existing height of

surrounding buildings. This deviation will not result in significant environmental impacts such as increased noise, aesthetics, and lighting.

Lastly, all exterior mechanical equipment is required to be screened from view on all sides and rooftop mechanical equipment is required to be setback a minimum of 15 feet from the exterior edges of a building. The plans show mechanical equipment with screening within the minimum setback. Therefore, staff recommends a condition of approval to require that all rooftop mechanical equipment (and associated screening) be setback a minimum of 15 feet from the exterior edges of the building.

Design Guidelines

As mentioned previously, the Design Review Board (DRB) originally reviewed the proposed design on May 12, 2011 and indicated that it would recommend approval of the design concept, however requested that the sheer massing of the project be modified to further ensure compatibility with the surrounding area. The project came back before the DRB for their official recommendation at the June 14, 2012 meeting. The DRB reviewed the project and supported the overall design including the same massing and height originally presented. Staff recommended that additional offsets including upper-story setbacks are incorporated to deemphasize the sheer massing; consider alternative colors, materials and finishes to provide additional articulation; and to incorporate the same or similar window design and/or canopies of the existing building into the proposed expansion. The DRB took action on the project and recommended approval with only one modification to change the roof element of the eastern stairwell to contrast with the existing building roof design.

The DRB recommendation has been made a suggested condition of approval No. 1.a for the proposed project. The applicant concurs with the DRB recommended modification above; however, staff recommends that the Planning Commission condition the project to have the DRB review the massing and consider additional upper-story setbacks, and review colors/materials (including anti-bird strike solutions) to ensure architectural compatibility with the existing structure and adjacent buildings. This would potentially allow an opportunity for greater design compatibility with the existing building and adjacent/nearby buildings such as Pier Colony and Oceanview Promenade and bring the project into closer conformance with the DTSP – Design Guidelines.

Land Use Compatibility

Staff supports the proposed project, as modified based on the stated purpose of District 1- Downtown Core Mixed-Use of the DTSP, which is to establish the area as the downtown for the City by creating a more urban atmosphere, encouraging relatively higher intensity developments with viable visitor-serving, coastal dependent and coastal-related commercial and residential uses that are consistent with the Coastal Act. This district is a prime mixed-use location within the Downtown and provides visitors and residents with numerous opportunities for visitor-serving as well as year round commercial uses. The addition of a mix of uses including commercial, restaurant with alcohol sales and consumption, and office uses will enhance and support the district in this high intensity urban part of Downtown.

An existing Owner Participation Agreement (OPA) executed in 2009 and amended in 2011 specifies allowable land uses and maximum buildout square footages for the Pierside Pavilion development. While the proposed project generally reflects the intensity of development contemplated in the OPA; the OPA would need to be modified (in progress) to meet the specific project configuration of uses and overall development square footage. It should be noted that the square footage of the proposed project is within

the maximum development thresholds analyzed in the DTSP Program EIR and adopted for the October 2011 DTSP Update.

View Analysis

The applicant submitted a public view analysis consisting of renderings of the completed project at varying angles (See Attachment No. 2). The renderings illustrate that existing public views, such as views looking north and south along PCH, will not be impacted by the proposed project. The project proposes to maintain the existing corridor width between Pierside Pavilion and Pier Colony; however with the proposed location of the expansion building, some private views may be obstructed. Protection of private views is not required pursuant to the DTSP. Nevertheless, staff recommends that the Planning Commission condition the project to have the DRB review the massing and consider additional upper-story setbacks, to ensure architectural compatibility with the existing structure and adjacent buildings. This would not only potentially allow an opportunity for greater design compatibility with the existing building and adjacent/nearby buildings such as Pier Colony and Oceanview Promenade, but will ensure that existing views are maintained and enhanced through compatible building design and bring the project into closer conformance with the DTSP – Design Guidelines. The proposed project is located across PCH, away from nearby scenic vistas (i.e., pier and beach), and will not have a substantial adverse effect to these scenic resources.

Alcohol Sales/Restaurants

The proposed restaurant areas are located on the 2nd story with outdoor patio dining and a roof top deck. The applicant provided a noise study that concludes that impacts related to noise will be less than significant based on screen walls on the roof top deck at 8 feet high. However, staff suggests a modification to reduce the roof deck walls (including parapet, glass and mechanical screening walls) to not less than and a maximum of 42” inches to comply with the maximum height of the General Plan. The submitted noise study anticipated noise attenuation from the proposed 8-foot deck walls. A reduction of these walls will invalidate the noise study and necessitate a revised study to verify compliance with the City’s Noise Ordinance and compatibility with surrounding uses. Therefore, staff suggests a condition of approval that prohibits the use of the rooftop deck until a revised noise study is submitted that demonstrates compliance with the City’s noise ordinance.

The proposed restaurant use with alcohol is subject to comply with standardized conditions of approval pursuant to City Council Resolution No. 2011-06 (Attachment No. 8). These standard conditions pertain to limiting the scope of operations to ensure that any proposed establishment functions primarily as a bona fide restaurant and to assure that potential impacts to the surrounding properties are minimized. Some of the standard conditions include: the restaurant and outdoor dining area will be conditioned to close at 12:00 AM (midnight), a minimum of 70% of the net floor area shall be designated as dining area, full food service menus shall be served until 1 hour before closing, alcoholic drinks shall not be included in the price of admission, no minimum drink requirement, alcohol shall remain on the premises, etc. Additionally, the Police Department suggests several conditions of approval to ensure public safety such as: requiring the rooftop use to be in conjunction with the 2nd floor restaurant, and enhanced surveillance and security.

Additionally staff recommends a condition of approval that requires a full height (floor to ceiling) glass window at the eastern elevation of the outdoor dining area located on the 2nd floor. This was described in the noise study; however the submitted elevations do not accurately reflect this design feature. Staff is also suggesting a condition of approval to address noise issues as a result of non-emergency vehicles accessing the existing fire lane on the east side of the project (adjacent to Pier Colony). The proposed condition would limit the access to emergency vehicles only. No other service or commercial vehicles would be permitted.

Moreover, the use is subject to noise regulations to further ensure compatibility with surrounding properties. With the suggested modifications and conditions of approval, the proposed uses, including restaurants with the sale and service of alcoholic beverages and outdoor dining area will not result in increased parking, safety, or noise issues, above that expected in a typical mixed-use environment. The project, with staff's suggested modifications, is consistent with scope and intent of the development in the downtown and supported by the General Plan and the Downtown Specific Plan.

Variance – Maximum Height

The project includes a request for a variance to exceed the maximum height of 45 feet. The project proposes four stories with a building height of 68 feet topped with 8-foot glass screen and mechanical equipment walls and an architectural tower (housing for elevator and stairwell) up to 90 feet high.

The design intent is to match the existing building height (which was permitted pursuant to the regulations of the 1988 DTSP) and floor plates to allow for more efficient access and internal circulation. However, the existing 4th floor top plate exceeds the minimum required floor height and as such, staff recommends a condition of approval to decrease the building height from top of parapet of 68 feet to 62 feet. This would allow for the proposed design intent to match floor plates and at the same time, limit the extent of the variance request to exceed the maximum height. Also, as mentioned previously, the roof top walls including glass & mechanical screen walls exceed 42" and therefore constitutes as a 5th story which is inconsistent with the DTSP and General Plan. However, staff suggests a modification to lower the roof deck walls to a maximum and not less than 42", this will further reduce the overall height of the building. Although not requested, it should be noted that a variance to a General Plan requirement (i.e. 4-story maximum) cannot be applied for.

The applicant submitted a public view analysis consisting of renderings of the completed project at varying angles. The renderings illustrate that existing public views, such as views looking north and south along PCH, will not be impacted by the proposed project. However, staff recommends that the DRB review (again) the massing and consider additional upper-story setbacks, and review colors/materials (including anti-bird strike solutions) to ensure architectural compatibility with the existing connecting structure and adjacent buildings. This would not only potentially allow an opportunity for greater design compatibility with the existing connecting building and adjacent/nearby buildings such as Pier Colony and Oceanview Promenade, but will ensure that public views are maintained and enhanced through compatible building design and bring the project into closer conformance with the DTSP – Design Guidelines. The proposed project will be located across PCH, away from nearby scenic vistas (i.e., pier and beach), and will not have a substantial adverse effect to these scenic resources.

The proposal to deviate from the maximum height, as modified, will not result in the development being disproportionate to the building height of surrounding developments due to the existing height of surrounding buildings. This deviation will not result in significant environmental impacts such as

increased noise, aesthetics, and lighting. Therefore, staff supports the request for the variance as modified, to facilitate floor height consistency and access/internal circulation efficiency between the existing building and proposed addition.

Shared Parking

A total of 530 parking spaces are required for the proposed project and the existing development. The project requires 90 spaces for retail uses, 288 spaces for restaurant uses, and 152 spaces for office use pursuant to Section 3.2.26 of the DTSP. The property currently shares up to 300 of the 826 parking spaces within the adjacent municipal parking structure located at 200 Main Street pursuant to prior entitlements and an existing Owner Participation Agreement (OPA). A total of 296 parking spaces will be provided on-site within the existing subterranean parking area and a minimum of 234 parking spaces will be utilized via shared parking within the adjacent municipal parking structure pursuant to Section 3.2.26.11 District 1 Special Parking Standards of the DTSP. The Pierside Pavilion development was originally permitted in 1988 with a shared parking concept that allowed the mix of uses (including the former theater use) to be satisfied through a combination of onsite parking and other public downtown parking. The current request will continue to function similarly; however because the theater no longer exists and the proposed mix of uses include a significant office use allocation, the total required parking is reduced and will not impact the downtown. The requested shared parking is consistent with the provisions of the DTSP, and with execution of a shared parking agreement, will have sufficient parking spaces.

EPA – Retail Carts

The applicant is requesting an amendment to Conditional Use Permit No. 10-017 approved December 13, 2010 which permitted the establishment and operation of 18 carts and kiosks within the Pierside Pavilion development. The request is to replace the previously approved layout (referenced in Condition of Approval No. 1) with the current site plan dated May 4, 2012.

Below is a chronology of entitlement actions for cart and kiosks at Pierside Pavilion:

- CDP No. 00-22/EPA No. 00-12/DR No. 00-45 – Request to permit 2 carts on public property and 4 carts on private property along Main, 4 carts on private property along PCH, and 12 carts within the southeastern plaza area. On October 12, 2000, the DRB recommended approval to the ZA with conditions to remove all carts & kiosks along Main and PCH. On November 15, 2000, the ZA approved 2 carts on private property along PCH and 16 clustered within the southeasterly plaza area for a total of 18 carts.
- EPA No. 03-14/DR No. 03-38 – Request to relocate two of the previously approved carts within the plaza area to a new location on private property along PCH (total of 4). On October 9, 2003, the DRB recommended approval to the ZA of one additional cart on private property along PCH. On November 12, 2003, the ZA denied the request to relocate two additional carts on private property along PCH based on impacts to pedestrian circulation and public views.
- CUP No. 10-017/DR No. 10-011 – On June 16, 2010 the ZA considered, the request to locate six carts along Main, six carts along PCH and the remaining six carts within the plaza area fronting PCH. The primary issues discussed during the ZA meeting included impacts to pedestrian circulation, intensification of uses (i.e. cumulative effects of Downtown events, approved outdoor sales onsite, and existing vending carts), and maintaining public views along Main and PCH. The

ZA conditionally approved the request to include only two carts along Main, four along PCH and the remaining 12 within the plaza area. On June 24, 2010 the applicant appealed the ZA's decision to the Planning Commission; contesting condition of approval no. 1, which limits the number of cart locations along Main and PCH

- The Planning Commission heard the appeal of the proposed project at their regular meeting on March 9, 2010. Due to concerns raised at the meeting by the Commission including past actions, increased pedestrian traffic and temporary activities in the vicinity, the Commission conditionally approved the request with no carts along Main, 6 carts along PCH, and 8 carts within the plaza area. The Commission unanimously approved the applicant's request with revised findings and revised conditions of approval. On March 18, 2010, Council Member Carchio filed an appeal of the Commission's approval. The primary reason for the appeal was to review the applicant's request to permit carts on Main.
- The City Council heard the appeal at their regular meeting on December 6, 2010. Due to the previous concerns raised at previous meetings, staff's recommendation remained consistent with the Planning Commission's approval consisting of no carts along Main, 6 carts along PCH, and 8 carts within the plaza area. The City Council approved 4 carts on Main, 6 carts on PCH and 8 carts within the plaza area.

The Notice of Action approved by City Council on December 6, 2010 is included as Attachment No. 7. The current request to replace the approved site plan with the current layout does not comply with the approved conditions of approval that relate to customer queuing, 10-foot wide clear passage area adjacent to any customer queuing areas, minimum 8-foot wide clear separation between carts, and other restrictions limiting the placement of carts. Staff suggests a modification to amend the site plan showing the location of carts in compliance with Conditional Use Permit No. 10-017 to ensure compatibility with the proposed expansion. This suggestion will yield approximately 6 carts in compliance with the requirements of CUP No. 10-017.

Summary

With the suggested modifications and conditions of approval, the proposed uses, including restaurants with the sale and service of alcoholic beverages and outdoor dining, amendment to cart locations and variance to maximum height will not result in increased parking, safety, or noise issues, above that expected in a typical mixed-use environment. The project, with staff's suggested modifications, is consistent with scope and intent of development in the downtown and supported by the Downtown Specific Plan, and General Plan including the Local Coastal Program.

ATTACHMENTS:

1. Suggested Findings and Conditions of Approval – Mitigated Negative Declaration No. 11-007, Coastal Development Permit No. 11-012, Conditional Use Permit No. 11-021, Entitlement Plan Amendment No. 11-007, and Variance No. 11-005
2. Site Plans, Floor Plans, and Elevations dated May 4, 2012
3. Project Narrative dated May 4, 2012
4. Code Requirements Letter (revised) dated August 6, 2012 (for informational purposes)

5. Draft Mitigated Negative Declaration No. 11-007
6. Response to Comments on Draft Mitigated Negative Declaration No. 11-007
7. Notice of Action – Conditional Use Permit No. 10-017 (Pierside Carts)
8. Downtown Standard Condition of Approval – City Council Resolution No. 2011-06

SH:HF:EE:kd

ATTACHMENT NO. 1

SUGGESTED FINDINGS AND CONDITIONS OF APPROVAL

MITIGATED NEGATIVE DECLARATION NO. 11-007/ COASTAL DEVELOPMENT PERMIT NO. 11-012/ CONDITIONAL USE PERMIT NO. 11-021/ ENTITLEMENT PLAN AMENDMENT NO. 11-007/ VARIANCE NO. 11-005

SUGGESTED FINDINGS FOR APPROVAL - MITIGATED NEGATIVE DECLARATION NO. 11-007:

1. The Mitigated Negative Declaration No. 11-007 has been prepared in compliance with Article 6 of the California Environmental Quality Act (CEQA) Guidelines. It was advertised and made available for a public comment period of thirty (30) days. Comments received during the comment period were considered by the Planning Commission prior to action on the Mitigated Negative Declaration.
2. Mitigation measures, incorporated into the attached conditions of approval, avoid or reduce the project's effects to a point where clearly no significant effect on the environment will occur.
3. There is no substantial evidence in light of the whole record before the Planning Commission that the project, as mitigated through the attached mitigation measures, will have a significant effect on the environment

SUGGESTED FINDINGS FOR APPROVAL - COASTAL DEVELOPMENT PERMIT NO. 11-012:

1. Coastal Development Permit No. 11-012 to demolish approximately 400 sq. ft. of the existing structure including an elevator shaft and two stairwells; and construct a connecting four-story, 90 foot high, approximately 27,772 square foot mixed-use, visitor serving/office building and 9,401 sq. ft. infill expansion by extending existing storefronts, as modified by conditions of approval, conforms with the General Plan, including the Local Coastal Program. The proposed project would expand a mixed-use development on a parcel contiguous to similar uses in an established, urban, downtown core area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The proposed project would develop visitor-serving commercial uses in the City's downtown core area near other established points of attraction, including the Huntington Beach Municipal Pier; and is intended to reinforce the vicinity as a major visitor-serving district.
2. The project is consistent with the requirements of the CZ Overlay District, the base zoning district, as well as other applicable provisions of the Municipal Code. The proposed project as modified and conditioned and with the variance provides a development that is consistent with the design guidelines, and is compatible with the scale and transition of surrounding development.

3. At the time of occupancy the proposed development can be provided with infrastructure in a manner that is consistent with the Local Coastal Program. The proposed project as conditioned and with the implementation of all mitigation measures will provide all necessary infrastructures to adequately service the site and not impact adjacent development. In addition, the project provides the necessary public improvements such as dedications, curb, gutters, and sidewalks.
4. The development conforms with the public access and public recreation policies of Chapter 3 of the California Coastal Act. The proposed project maintains all exiting and proposed public access and does not conflict with any public recreation policies by the provision of a development consistent with the City's General Plan, Coastal Element, and Downtown Specific Plan.

SUGGESTED FINDINGS FOR APPROVAL - CONDITIONAL USE PERMIT NO. 11-021:

1. Conditional Use Permit No. 11-021 to demolish approximately 400 sq. ft. of the existing structure including an elevator shaft and two stairwells; and construct a connecting four-story, 90 foot high, approximately 27,772 square foot mixed-use, visitor serving/office building and 9,401 sq. ft. infill expansion by extending existing storefronts, as modified, will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. The project has been evaluated for compatibility with the surrounding neighborhood and with the modifications and conditions of approval imposed, the project will be designed to address the transition and scale of adjacent properties, be designed on a pedestrian scale and character, will provide the required parking to serve the uses on site, and will meet the goals and policies of the General Plan.
2. The conditional use permit as modified will be compatible with surrounding uses because the project as modified is designed to be compatible with the Downtown Design Guidelines and will provide architectural elements and features to enhance the pedestrian character and scale of the street scene surrounding the project. In addition, the project, as modified, incorporates the proper massing and scale, the design features of the contemporary architectural style and the colors and materials recommended by the Design Guidelines for the Downtown.
3. The proposed mixed use development, as modified, will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. The proposed project as modified and conditioned, and with the variance provides a development that is consistent with the design guidelines, is compatible with the scale and transition of surrounding development, and provides consistent public improvements.
4. The granting of the conditional use permit will not adversely affect the General Plan. The General Plan Land Use Map designation on the subject property is M->30-d-sp-pd (Mixed-Use -30 du/ac - design overlay - specific plan overlay - pedestrian overlay). The proposed project as modified is consistent with this designation and the goals, policies, objectives, and implementation program of the City's General Plan as follows:

A. Land Use Element

Goal - LU 4: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

Objective – LU 7.1: Accommodate the development of a balance of land uses that provides for commercial, employment, entertainment, and recreation needs of existing and future residents, and provides employment opportunities for residents of the City and the surrounding region and captures visitor and tourist activity.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridors, and centers.

Objective – LU 10.1: Provide for the continuation of existing and the development of a diversity of retail and service commercial uses that are oriented to the needs of local residents, serve the surrounding region, and capitalize on Huntington Beach's recreational resources.

Policy LU 10.1.4: Require that commercial buildings and sites be designed to achieve a high level of architectural and site layout quality.

Policy – 10.1.8: Require that entertainment, drinking establishments, and other similar uses provide adequate physical and safety measures prevent negative impacts on adjacent properties.

Goal LU 11: Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy 11.1.7: Require that mixed-use development projects be designed to achieve a consistent and high quality character, including the consideration of architectural treatment of building elevations to convey the visual character of multiple building volumes and individual storefronts.

The design of the project as amended by staff's suggested modifications promotes the development of a mixed-use building that conveys a unified, high-quality visual image and character that is intended to expand the existing development pattern of Downtown Huntington Beach. The City's Design Review Board has reviewed the proposed architecture, colors and materials and has indicated that it would recommend approval of the design concept, however requested that the sheer massing of the project be modified to further ensure compatibility with the surrounding area. The proposed project as modified utilizes mixed-vertical uses in accordance with the patterns and distribution of use within the Land Use Map of the City of Huntington Beach General Plan. Commercial uses such as retail establishments will be located within the first story as required by the Visitor-Serving Commercial Overlay, restaurant uses on the second floor and rooftop, and office uses on the third and fourth floors. The project's public areas and open space incorporate enhanced hardscape and landscape materials consistent with the DTSP Design Guidelines. The proposed project will provide a wide arrange and diversity of commercial uses and cater to the needs of local residents and residents in the surrounding region. The project will provide additional commercial uses that will encourage tourism to the site and the surrounding area. The project will facilitate employment opportunities and will not impact the subject site and surrounding area.

B. Urban Design Element

Policies UD 1.1.2: Reinforce Downtown as the City's historic center and as a pedestrian-oriented commercial and entertainment/recreation district by requiring new development be designed to reflect the Downtowns historical structures and adopted Mediterranean theme.

Policies - UD 2.1.1: Require that new development be designed to consider coastal views in its massing, height, and site orientation.

The project is located on Pacific Coast Highway, a scenic corridor in the City of Huntington Beach General Plan Circulation Element. The setting along PCH is characterized by beach facilities, shoreline, the Municipal Pier, and recreational amenities on the south side and a mix of development on the north side. The architecture of the proposed building consists of a contemporary design theme, which includes materials such as light colored smooth stucco finish, tower elements, flat roof and glass railing systems. The applicant submitted a public view analysis consisting of renderings of the completed project at varying angles. The renderings illustrate that existing public views, such as views looking north and south along PCH, will not be impacted by the proposed project. The proposed project will be located across PCH, away from nearby scenic vistas (i.e., pier and beach), and will not have a substantial adverse effect to these scenic resources. To ensure architectural compatibility, staff recommends that the building massing be reviewed by the Design Review Board. The recommendation is to review the additions building massing and consider additional upper-story setbacks, review the proposed colors/materials to ensure architectural compatibility with the existing structure and adjacent buildings and overall Design Guidelines conformance.

C. Coastal Element

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

Goal C 3: Provide a variety of recreational and visitor-serving commercial uses for a range of cost and market preferences

Policy C 3.2.3: Encourage the provision of a variety of visitor-serving commercial establishments within the Coastal Zone, including, but not limited to, shops, restaurants, hotels and motels, and day spas.

Policy C 3.4.2: Enhance the Municipal Pier and surrounding area to function as the "hubs" of tourist and community activity.

The development as amended by staff's suggested modifications consists of the expansion of a mixed-use project, which includes visitor-serving commercial located on the ground floor for retail establishments. The proposed project would develop a mix of visitor-serving commercial and office uses on a parcel including and contiguous to similar uses in an established, urban, downtown core area. Public services are currently available to the project site, as well as the

surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation. The project site is also located near established points of attraction, including the Huntington Beach Municipal Pier, and is intended to reinforce the vicinity as a major visitor-serving district.

SUGGESTED FINDINGS FOR APPROVAL – ENTITLEMENT PLAN AMENDMENT NO. 11-007:

1. Entitlement Plan Amendment No. 11-007 for the relocation of 18 commercial carts and kiosks within the Pierside Pavilion development as modified will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. As conditioned, the parallel orientation of carts and kiosks with Main Street and Pacific Coast Highway will not impede pedestrian access and will maintain public views. The location of the carts and kiosks are designed to complement existing businesses and activate pedestrian corridors while remaining cognizant of adjacent residences by minimizing placement in close proximity to adjacent residential uses (i.e., Pier Colony). Based upon the conditions imposed, including compliance with the requirements of CUP No. 10-17, the operation will not impact pedestrian circulation, nor will the operation impact the surrounding businesses and residential uses.
2. The entitlement plan amendment as modified will be compatible with surrounding uses because the ancillary operation of commercial carts and kiosks is consistent with the zoning designation and does not represent a significant change from the existing commercial use. The site currently includes carts and kiosks and the conditional use permit will allow for the modified continuation of this ancillary use.
3. The proposed entitlement plan amendment as modified will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. As conditioned, the project complies with all aspects of the Downtown Specific Plan including parking, onsite circulation, and setbacks. Carts and kiosks are permitted within the Downtown Specific Plan with the approval of a conditional use permit.
4. The granting of the entitlement plan amendment as modified will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M->30-d-sp-pd (Mixed-Use –30 du/ac – design overlay – specific plan overlay – pedestrian overlay) on the subject property. In addition, it is consistent with the following goals and policies of the General Plan:

Land Use Element

Goal LU 7: Achieve a diversity of land uses that sustain a City's economic viability, while maintaining the City's environmental resources and scale and character.

Policy LU 7.1.1 Accommodate existing uses and new development in accordance with the Land Use and Density Schedules.

Goal LU 11 Achieve the development of projects that enable residents to live in proximity to their jobs, commercial services, and entertainment, and reduce the need for automobile use.

Policy LU 15.2.2 Require that uses in the Pedestrian Overlay District be sited and designed to enhance and stimulate pedestrian activity along the sidewalks. Assure that areas between building storefronts and public sidewalks are visually and physically accessible to pedestrians.

The proposed carts and kiosks as modified increases the economic viability of the downtown by providing additional shopping opportunities, additional employment opportunities and captures visitor and tourist activity within the downtown. The project site is located in a mixed-use district of the downtown area and within walking distance of several downtown parking facilities as well as residential uses thus reducing the need for automobile use and increasing the need for pedestrian amenities. The carts and kiosks will further stimulate pedestrian activity along Main Street and Pacific Coast Highway. As conditioned, the carts will comply with the approved conditions of approval that relate to customer queuing, 10-foot wide clear passage area adjacent to any customer queuing areas, minimum 8-foot wide clear separation between carts, and other restrictions limiting the placement of carts, to ensure that the area is physically accessible to pedestrians which is consistent with other cart and kiosk locations in the downtown.

SUGGESTED FINDING FOR APPROVAL – VARIANCE NO. 11-005:

1. The granting of Variance No. 11-005 to allow a height of 68 feet (plus up to 90 feet for mechanical housing) for the new, expanded portion of the building in lieu of the maximum of 45 feet will not constitute a grant of special privilege inconsistent with limitations upon other properties in the vicinity and under an identical zone classification. Staff recommends a condition of approval to decrease the building height from top of parapet of 68 feet to 62 feet. This would allow for the proposed design intent to match floor plates and at the same time, limit the extent of the variance request to exceed the maximum height. The proposal to deviate from the maximum height, as conditioned, will not result in the development being disproportionate to the size and scale of surrounding developments due to the existing height of surrounding buildings. Therefore, granting of the variance request will not result in a grant of special privilege because it allows the expansion project to remain consistent with the existing and surrounding structures. Therefore, approval of the request will not constitute a grant of special privilege as the variance will allow further improvement to the site and surrounding area.
2. Because of special circumstances applicable to the subject property, including size, shape, and location, the strict application of the zoning ordinance is found to deprive the subject property of privileges enjoyed by other properties in the vicinity and under identical zone classification. The expansion project is constrained by special circumstances which include the existing building height. The existing building has a 4th floor top plate height of 59'-6" and staff recommends a condition of approval to decrease the building height from top of parapet of 68 feet to 62 feet. This would allow for the proposed design intent to match floor plates and at the same time, limit the extent of the variance request to exceed the maximum height. The inability to match floor plates is found to deprive the property of privileges enjoyed by other properties in the vicinity and under identical zone classification.
3. The granting of a variance is necessary to preserve the enjoyment of one or more substantial property rights. The requested variance as modified is necessary in order to allow floor plates to match and ensure construction feasibility and adequate internal circulation. The DTSP requires a maximum

height of 45 feet. In this case, the project cannot provide efficient circulation and construction feasibility. Consequently the strict application of the DTSP would deprive the property owner of the right to improve the property to meet the objectives for community character and compatibility.

4. The granting of the variance as modified will not be materially detrimental to the public welfare or injurious to property in the same zone classification and is consistent with the General Plan. The development of a connecting four-story, 90 foot high, approximately 27,772 square foot mixed-use, visitor serving/office building and 9,401 sq. ft. infill expansion by extending existing storefronts will not be materially detrimental to area due to existing height of surrounding buildings and recommended condition of approval to decrease the building height from top of parapet of 68 feet to 62 feet. This would allow for the proposed design intent to match floor plates and at the same time, limit the extent of the variance request to exceed the maximum height. The proposal to deviate from the maximum height, as conditioned, will not result in the development being disproportionate to the size and scale of surrounding developments due to the existing height of surrounding buildings. The variance in maximum height will not result in detrimental impacts, but rather improve construction feasibility and internal circulation. The granting of the variance will not adversely affect the General Plan. It is consistent with the Land Use Element designation of M->30-d-sp-pd (Mixed-Use -30 du/ac – design overlay – specific plan overlay – pedestrian overlay) on the subject property.

SUGGESTED CONDITIONS OF APPROVAL – COASTAL DEVELOPMENT PERMIT NO. 11-012/CONDITIONAL USE PERMIT NO. 11-021/ENTITLEMENT PLAN AMENDMENT NO. 11-007/VARIANCE NO. 11-005:

1. The site plan, floor plans, elevations, and section elevations dated May 4, 2012, shall be the conceptually approved design with the following modifications:
 - a. The roof element of the eastern stairwell shall contrast with the existing building roof design **(DRB)**
 - b. The Design Review Board (DRB) to review the overall design and building massing of the proposed project. The recommendation is to review the additions building massing and consider additional upper-story setbacks, review the proposed colors/materials (including anti-bird strike solutions) to ensure architectural compatibility with the existing structure and adjacent buildings and overall Design Guidelines conformance.
 - c. The height of the building expansion shall be decreased from top of parapet height of 68' to 62' feet to match the height of the existing building
 - d. Full height (floor to ceiling) glass window shall be provided at the eastern elevation of the outdoor dining area of located on the 2nd floor.
 - e. Rooftop deck walls (including parapet, mechanical screening, glass screening, etc.) shall not be less than or exceed 42 inches in height.
 - f. Revise existing property lines (locations, dimensions and geometry) to accurately portray the subject property and to be consistent with recorded Final Tract Map No. 13722. **(PW)**
 - g. Accurately dimension all existing and proposed public improvements (i.e. sidewalk widths, curb return radii, bus turnout geometry, curb-to-building face dimensions, driveway width, etc.). **(PW)**
 - h. Reference to new office area on the 1st floor plan shall be removed. Only visitor-serving commercial uses shall be allowed anywhere on the ground floor.
 - i. Rooftop mechanical equipment (and associated screening) shall be setback 15 feet from the exterior edges of the building.
 - j. Revise the cart locations to comply with Conditional Use permit No. 10-017 (Pierside Pavilion Carts) conditions of approval and code requirements.
2. Prior to the issuance of grading permits, the following shall be completed:
 - a. At least 14 days prior to any grading activity, the applicant/developer shall provide notice in writing to property owners of record and tenants of properties within a 500-foot radius of the project site as noticed for the public hearing. The notice shall include a general description of planned grading activities and an estimated timeline for commencement and completion of work and a contact person name with phone number. Prior to issuance of the grading permit, a copy of the notice and list of recipients shall be submitted to the Planning and Building Department.
3. Prior to submittal for building permits, the following shall be completed:

- a. One set of project plans, revised pursuant to Condition of Approval No. 1, including the recommendation by the Design Review Board shall be submitted for review and approval by the Director. A revised set of plans shall be submitted for inclusion in the entitlement file.
 - b. Zoning entitlement conditions of approval, code requirements identified herein and code requirements identified in separately transmitted memorandum from the Departments of Planning and Building, Fire, and Public Works shall be printed verbatim on one of the first three pages of all the working drawing sets used for issuance of building permits (architectural, structural, electrical, mechanical and plumbing) and shall be referenced in the sheet index. The minimum font size utilized for printed text shall be 12 point.
4. During demolition, grading, site development, and/or construction, the following shall be adhered to:
 - a. Construction equipment shall be maintained in peak operating condition to reduce emissions.
 - b. Use low sulfur (0.5%) fuel by weight for construction equipment.
 - c. Truck idling shall be prohibited for periods longer than 5 minutes.
 - d. Attempt to phase and schedule activities to avoid high ozone days first stage smog alerts.
 - e. Discontinue operation during second stage smog alerts.
 - f. Ensure clearly visible signs are posted on the perimeter of the site identifying the name and phone number of a field supervisor to contact for information regarding the development and any construction/ grading activity.
5. The structure cannot be occupied, the final building permit(s) cannot be approved, and a Certificate of Occupancy cannot be issued until the following have been completed:
 - a. All improvements must be completed in accordance with approved plans, except as provided for by conditions of approval.
 - b. The applicant shall obtain the necessary permits from the South Coast Air Quality Management District and submit a copy to the Planning Division.
 - c. Compliance with all conditions of approval specified herein shall be verified by the Planning and Building Department.
 - d. All building spoils, such as unusable lumber, wire, pipe, and other surplus or unusable material, shall be disposed of at an off-site facility equipped to handle them.
 - e. A shared parking agreement shall be executed via an amended Owner Participation Agreement (OPA) providing a minimum of 234 parking spaces off-site. A copy of the agreement shall be submitted for inclusion in the entitlement file.
6. Prior to the sale of alcoholic beverages, a license shall be obtained from the Alcoholic Beverage control (ABC). All conditions contained in the ABC license shall be adhered to. **(PD)**
7. Use of the rooftop deck shall be prohibited until a revised noise study is submitted that demonstrates compliance with the City's noise ordinance and the design of the deck is compatible

with the surrounding uses. The noise study shall be submitted to the Planning Division for review and approval prior to occupancy and use of the roof top deck.

8. Restaurant uses shall comply with the following:
 - a. Restaurants with sale and service of alcohol shall comply with City Council Resolution No. 2011-06 – Standard Conditions of Approval for Eating and Drinking Establishments with Alcoholic Beverage Sales. **(PD)**
 - b. There shall be no public or private restaurant use of the proposed rooftop by anyone other than in conjunction with an approved 2-story restaurant and maintenance personnel for the purpose of maintaining or repairing the building. **(PD)**
 - c. Any existing restaurant shall separately amend their current CUP before expanding their business. CUP amendments shall include security plans, locations where alcohol is permitted, and types and permitted areas of allowed entertainment. **(PD)**
 - d. Restaurants shall employ a video surveillance security system with a 1-month video library. The minimum requirements for the cameras shall be: color, digital recording to DVR and able to record in low light. All entrances, exits and perimeter areas shall be under video surveillance. Electronic copies of video shall be made available to the Huntington Beach Police Department within 24 hours of a request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations. **(PD)**
 - e. Additional security for the building and parking areas shall be provided. The number of required security officers shall be determined by the Police Department upon completion of the project. The number of required security officers shall be modified at the discretion of the Police Department based on crime rates, number of patrons visiting the Pierside Pavilion, types of businesses, hours of operation, and during special events such as 4th of July and US Open of Surfing. **(PD)**
9. All applicable conditions of approval pursuant to Conditional Use permit No. 10-017 (Pierside Pavilion Carts) shall remain in effect.
10. The existing fire lane on the east side of the project shall be limited to access for emergency vehicles only. No other service or commercial vehicles shall be permitted.
11. Tree replacement of any existing mature trees on-site shall be done in accordance with the requirements of Chapter 232—Landscape Improvements. For the trees to be relocated, an arborist report shall be submitted and include the following:
 - a. Trees shall be transplanted by a qualified tree service to be approved by the City of Huntington Beach Public Works Department.
 - b. Detailed specifications and procedures for the translocation of the identified trees.
 - c. The relocated trees shall be maintained and guaranteed to be alive and thriving after four years by a qualified tree service or arborist to be approved by the City of Huntington Beach Public Works Department. The trees shall be surveyed every six months for a period of four years as

to their viability. The survey shall be submitted to the Public Works Department for review. In the event that any tree is not surviving, it shall be replaced with the same type and size of tree.

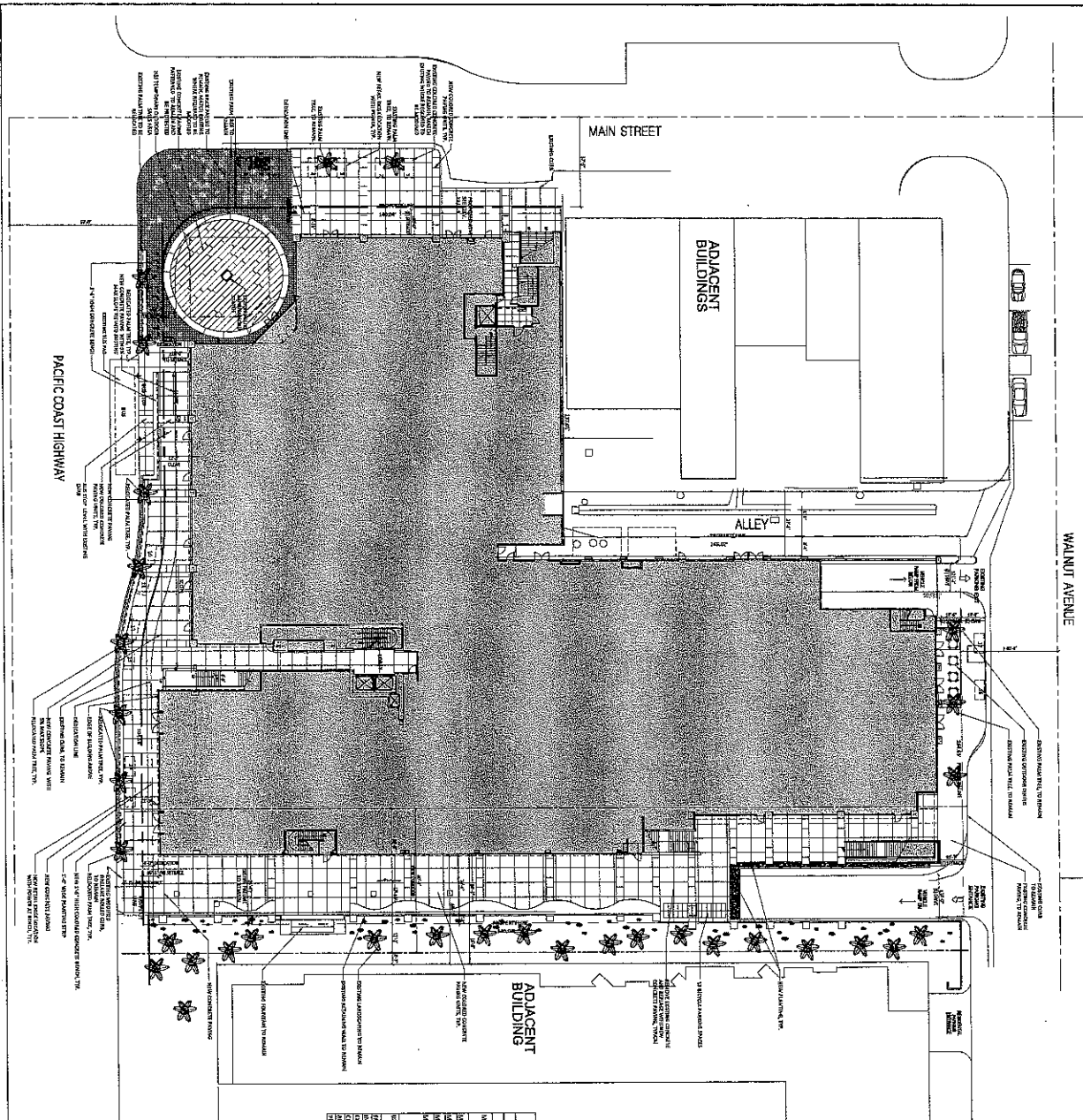
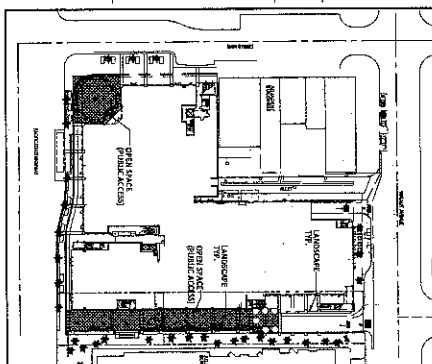
- d. A letter from the developer stating that the recommendations of the Consulting Arborist will be followed.

12. The development services departments (Planning & Building, Fire, and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning and Building may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission may be required pursuant to the provisions of HBZSO Section 241.18.

13. Incorporating sustainable or "green" building practices into the design of the proposed structures and associated site improvements is highly encouraged. Sustainable building practices may include (but are not limited to) those recommended by the U.S. Green Building Council's Leadership in Energy and Environmental Design (LEED) Program certification (<http://www.usgbc.org/DisplayPage.aspx?CategoryID=19>) or Build It Green's Green Building Guidelines and Rating Systems (<http://www.builditgreen.org/index.cfm?fuseaction=guidelines>). Prior to submittal for building permits, the following shall be completed:

INDEMNIFICATION AND HOLD HARMLESS CONDITION:

The owner of the property which is the subject of this project and the project applicant if different from the property owner, and each of their heirs, successors and assigns, shall defend, indemnify and hold harmless the City of Huntington Beach and its agents, officers, and employees from any claim, action or proceedings, liability cost, including attorney's fees and costs against the City or its agents, officers or employees, to attack, set aside, void or annul any approval of the City, including but not limited to any approval granted by the City Council, Planning Commission, or Design Review Board concerning this project. The City shall promptly notify the applicant of any claim, action or proceeding and should cooperate fully in the defense thereof.


[illegible]

OPEN SPACE 6,820 S.F. 9.59%


LANDSCAPE 1,555 S.F. 1.75%

OPEN SPACE AND LANDSCAPE DIAGRAM

NOT FOR CONSTRUCTION



SCALE 1/625' = 1"



0 10 20 30 40 50 FEET

DATE: 1-28-04
PROJECT NO.: 1123.00
A-0

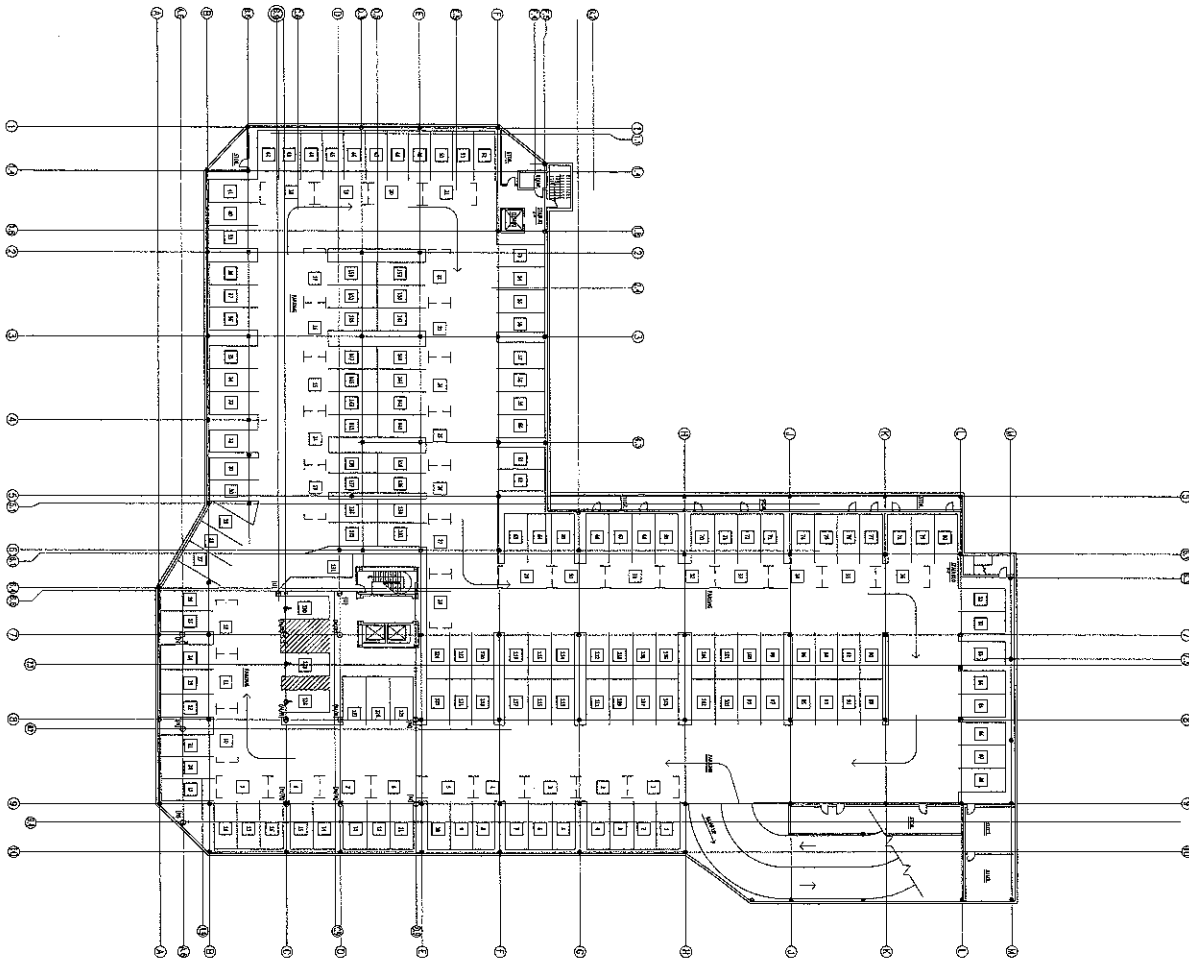
**SITE PLAN/
LANDSCAPE**

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIFORNIA

THEORY
wherever education is present
PROPERTIES LLC

**THEORY OF BANK
CONSTRUCTION INC.**
CALCULATED FINANCE | CLASS K-8
www.theoryofbank.com | 1401 East Century Circle, Suite 203
Casper, Wyoming 82401 | 307.261.2222

		Architects in Charge Steven S. Berman 1000 So. Broadway Suite 1000 New York, NY 10038 Tel. 212.552.2181 Fax 212.552.0181 www.bernstein.com	
YES <input type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
YES <input type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
YES <input type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	NO <input type="checkbox"/>
YES <input type="checkbox"/>	NO <input type="checkbox"/>	YES <input type="checkbox"/>	NO <input type="checkbox"/>



LEGEND

- NEW STALLS
- NEW EXISTING STALLS
- NEW EXISTING DRIVE AISLES
- NEW EXISTING PEDESTRIAN PATHS
- EXISTING DRIVE AISLES
- EXISTING PEDESTRIAN PATHS

EXISTING PARKING, NEW CIP INCIDENT
RETAIL 200 STALLS
RESTAURANT 200 STALLS
GENERAL 200 STALLS
TOTAL PARKING REQUIRED 600 STALLS

PARKING TYPE	EXISTING	NEW	TOTAL
RETAIL	200	200	400
RESTAURANT	200	200	400
GENERAL	200	200	400
TOTAL	600	600	1200

PARKING ON THE PLANS:
 1. THERE ARE NO EXISTING PARKING SPACES ON THE PLANS.
 2. WITH APPROVED VALET PARKING LAYOUT 28 ADDITIONAL PARKING SPACES WILL BE PROVIDED FOR THE PLANS.
 3. WITH APPROVED VALET PARKING LAYOUT 28 ADDITIONAL PARKING SPACES WILL BE PROVIDED FOR THE PLANS.
 4. WITH APPROVED VALET PARKING LAYOUT 28 ADDITIONAL PARKING SPACES WILL BE PROVIDED FOR THE PLANS.
 5. WITH APPROVED VALET PARKING LAYOUT 28 ADDITIONAL PARKING SPACES WILL BE PROVIDED FOR THE PLANS.

NOT FOR CONSTRUCTION



P2 PARKING PLAN 1

A-1

P2 PARKING PLAN

PIERSIDE PAVILION
 300 PACIFIC COAST HIGHWAY
 HUNTINGTON BEACH, CALIFORNIA

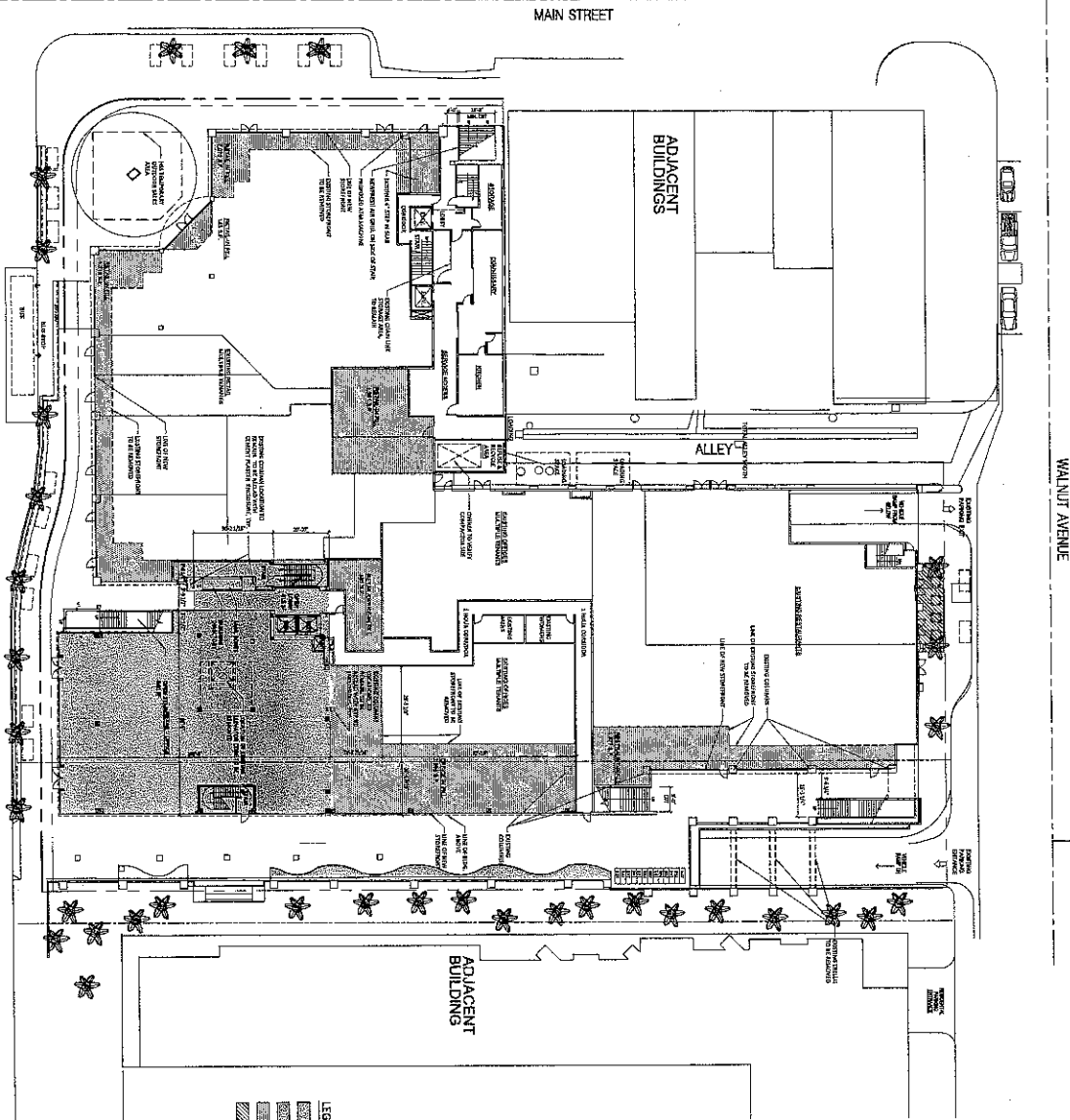
THEORY PROPERTIES LLC

THEORY PROPERTIES LLC
 10000 THEORY DRIVE, SUITE 200
 CULVER CITY, CALIFORNIA 90230
 TEL: (310) 250-1000
 WWW.THEORYPROPERTIES.COM

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 10000 THEORY DRIVE, SUITE 200
 CULVER CITY, CALIFORNIA 90230
 TEL: (310) 250-1000
 WWW.THEORYPROPERTIES.COM

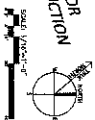
THEORY PROPERTIES LLC
 10000 THEORY DRIVE, SUITE 200
 CULVER CITY, CALIFORNIA 90230
 TEL: (310) 250-1000
 WWW.THEORYPROPERTIES.COM





- LEGEND**
- NEW BUILDING (WALL, FLOOR, CEILING)
 - NEW OPEN LOBBY (FLOOR, CEILING)
 - EXISTING OUTDOOR DINING (FLOOR, CEILING)

NOT FOR
CONSTRUCTION



FIRST FLOOR PLAN

A-3

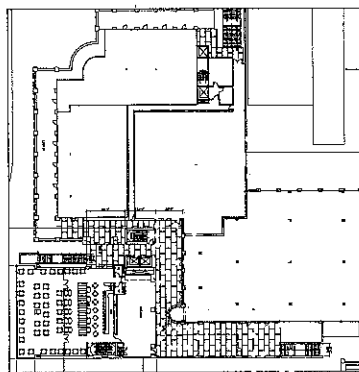
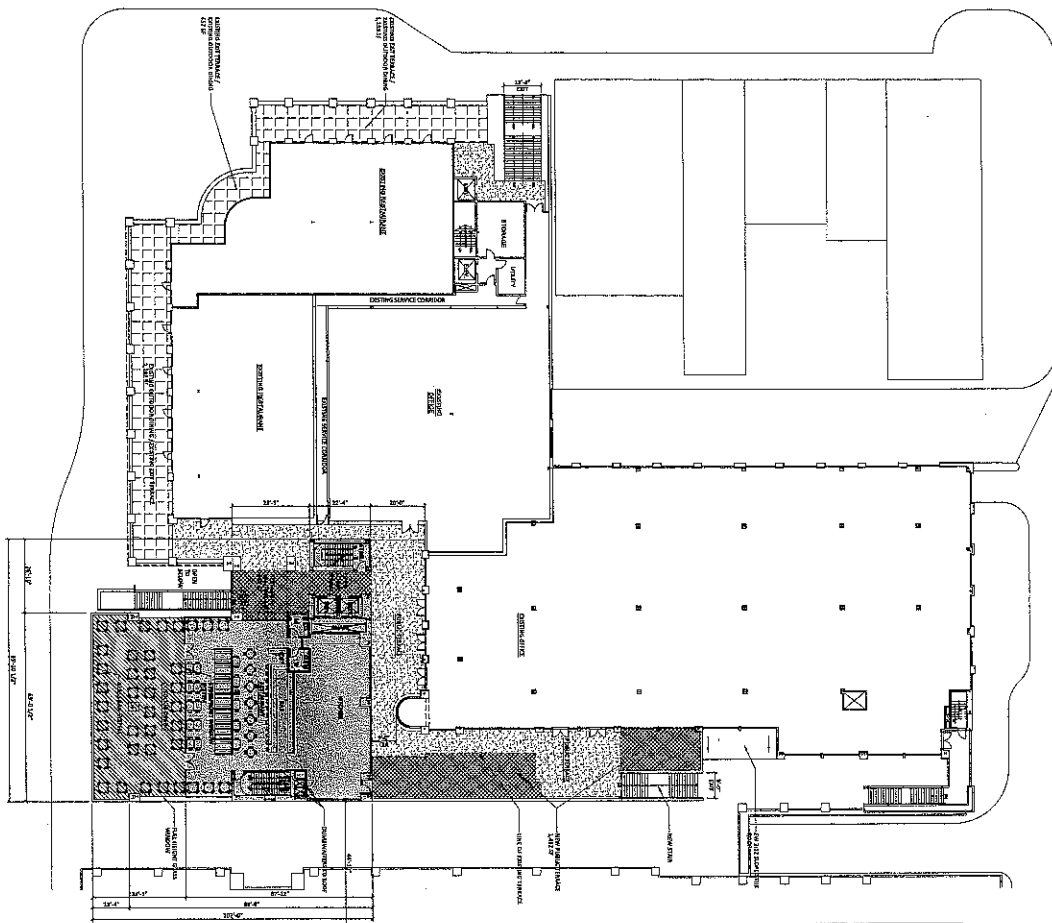
FIRST FLOOR PLAN

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIFORNIA

THEORY
PROPERTIES LLC
10000 THEORY DRIVE, SUITE 200
HUNTINGTON BEACH, CA 92648
TEL: 714.771.1111 FAX: 714.771.1112

MODEL
Special Projects
11111 11111 11111 11111
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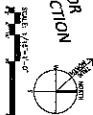




LEGEND
 OPEN SPACE 6,097 S.F.

LEGEND
 NEW BUILDING AREA (1,427 S.F. (0.05%))
 NEW OUTDOOR DINING (2,232 S.F.)
 EXISTING OUTDOOR DINING (2,483 S.F.)
 ADJACENT BUILDING AREA (10,944 S.F. (2.01%))
 EXISTING BUILDING AREA (10,944 S.F.)

NOT FOR
 CONSTRUCTION



SECOND FLOOR PLAN 1

A-4

SECOND
 FLOOR PLAN

PIERSIDE PAVILION
 300 PACIFIC COAST HIGHWAY
 HUNTINGTON BEACH, CALIFORNIA

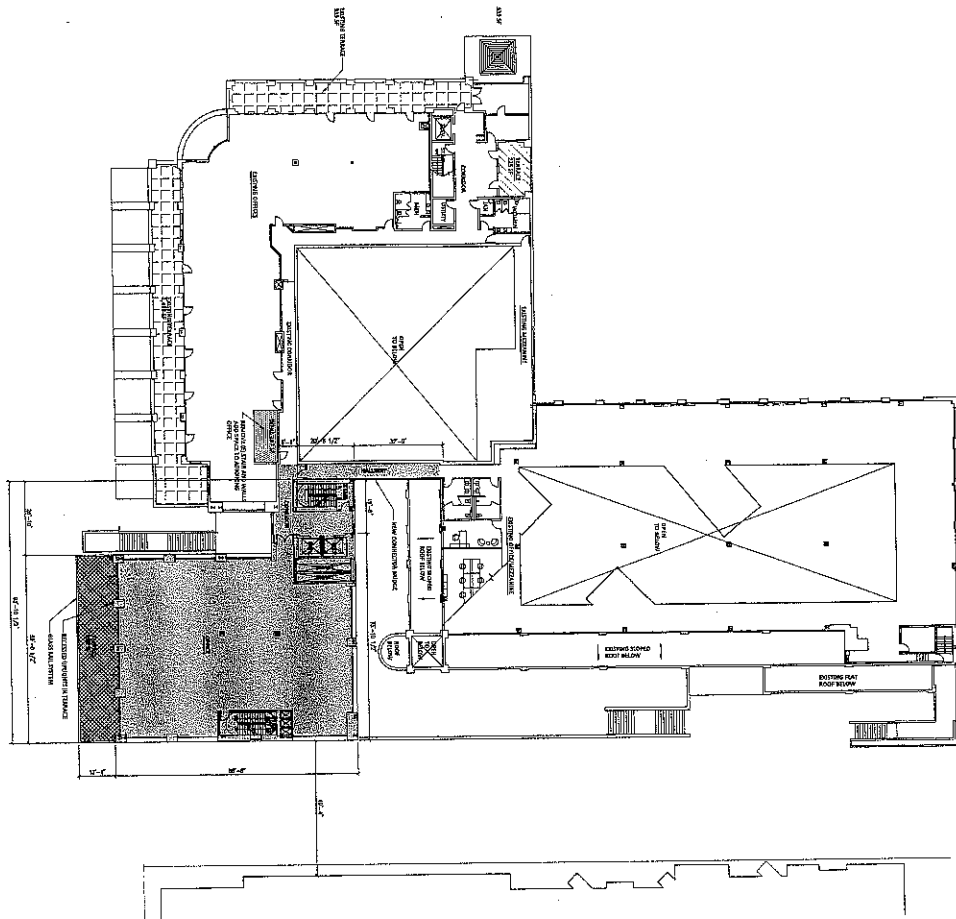
THEORY
 PROPERTIES LLC

ARCHITECTURAL
 DRAWINGS
 CONSULTING
 ENGINEERING
 CLIMATE 4.0

NO.	REVISION	DATE
1	ISSUED FOR PERMIT	11/11/2020
2	ISSUED FOR PERMIT	11/11/2020
3	ISSUED FOR PERMIT	11/11/2020
4	ISSUED FOR PERMIT	11/11/2020
5	ISSUED FOR PERMIT	11/11/2020
6	ISSUED FOR PERMIT	11/11/2020
7	ISSUED FOR PERMIT	11/11/2020
8	ISSUED FOR PERMIT	11/11/2020
9	ISSUED FOR PERMIT	11/11/2020
10	ISSUED FOR PERMIT	11/11/2020

MODEL
 Architectural
 Drawings
 Los Angeles, CA 90001
 310.441.1111
 www.theoryproperties.com





ADJACENT BUILDING

- LEGEND**
- NEW BUILDING AREA ABOVE 5TH FLOOR
 - NEW AREA BELOW 5TH FLOOR
 - NEW TERRACE AREA ABOVE 5TH FLOOR
 - EXISTING TERRACE AREA BELOW 5TH FLOOR

NOT FOR
CONSTRUCTION

THIRD FLOOR PLAN

THIRD FLOOR PLAN

DATE: 1-06-2013
JOB NO: 11180000
SHEET NO: 1

A-5

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIFORNIA

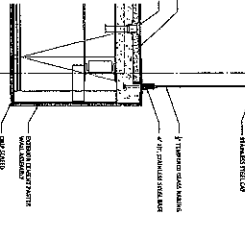
THEORY
PROPERTIES LLC

HOUSING
CONSTRUCTION
CALIFORNIA
CLASS A-B

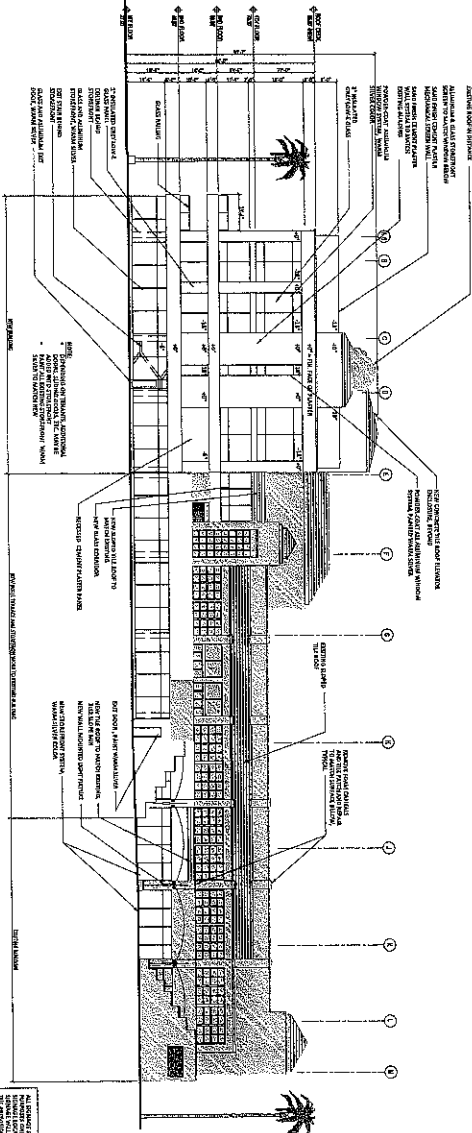
REVISION	DATE	BY	CHKD
1	1-06-2013		
2	1-06-2013		
3	1-06-2013		

MODEL
SCHOOL PROJECT
100% COMPLETE
1-06-2013





GLASS RAILING DETAIL.	SCALE 3/4"=1'-0"	3
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GLASS RAILING DETAIL.	SCALE 3/4"=1'-0"	3
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ALL CHANGE ORDERS FOR ILLUSTRATION PURPOSES ONLY, TO INDICATE TYPICAL SCHOOL LOCATIONS. AIR PURGING SCHEDULE WILL BE REGULATED BASED ON THE PROVISIONS OF A MAINTAINED SIGHT PROTECTION AGREEMENT TO MAINTAIN AIR QUALITY BY THE CITY.

NOT FOR
CONSTRUCTION

EAST ELEVATION

A-8

SOUTH & EA ELEVATIONS

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIFORNIA

THEORY  **PROPERTIES LLC**

FRITCH-SALZMANN
CONSTRUCTION, INC.
GALVESTON, TEXAS | CLASS A & B
www.fritch-salzmann.com | 409.763.0100
10000 Highway 101, Suite 100, Galveston, TX 77551

△	710
△	111-20-11
△	101-2
△	95-04-12
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NADI
Netherlands
Architectural
Design Institute



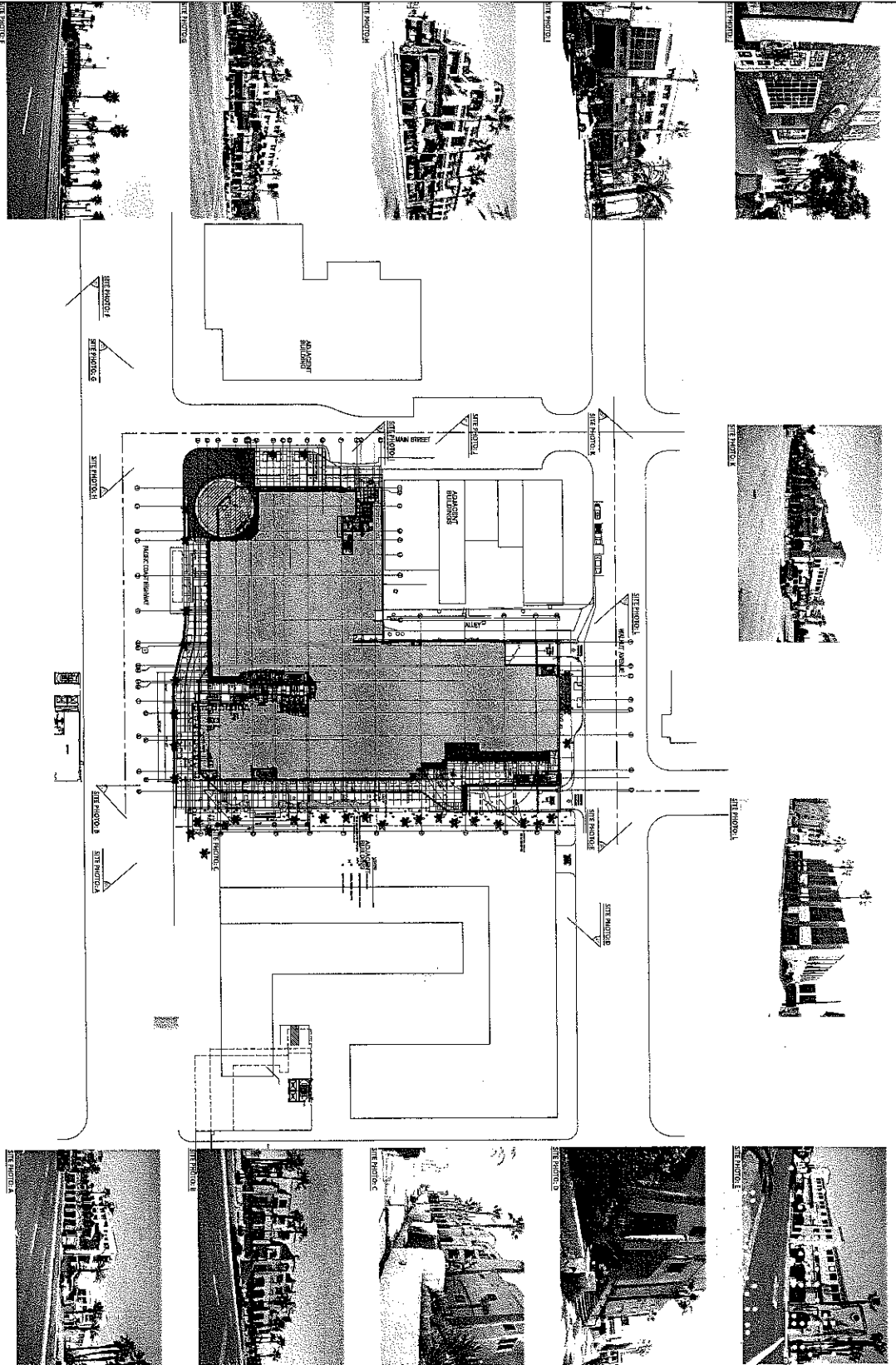
WEST ELEVATION	SCALE 1/16" = 1'-0"	2
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NORTH ELEVATION	SCALE
	1" = 1' - 0"

NOT FOR
CONSTRUCTION

MADELL
Architects Inc.
Construction



NOT FOR
CONSTRUCTION



SITE PHOTO LOCATIONS

SCALE: 1" = 10'

A-11

SITE PHOTOS

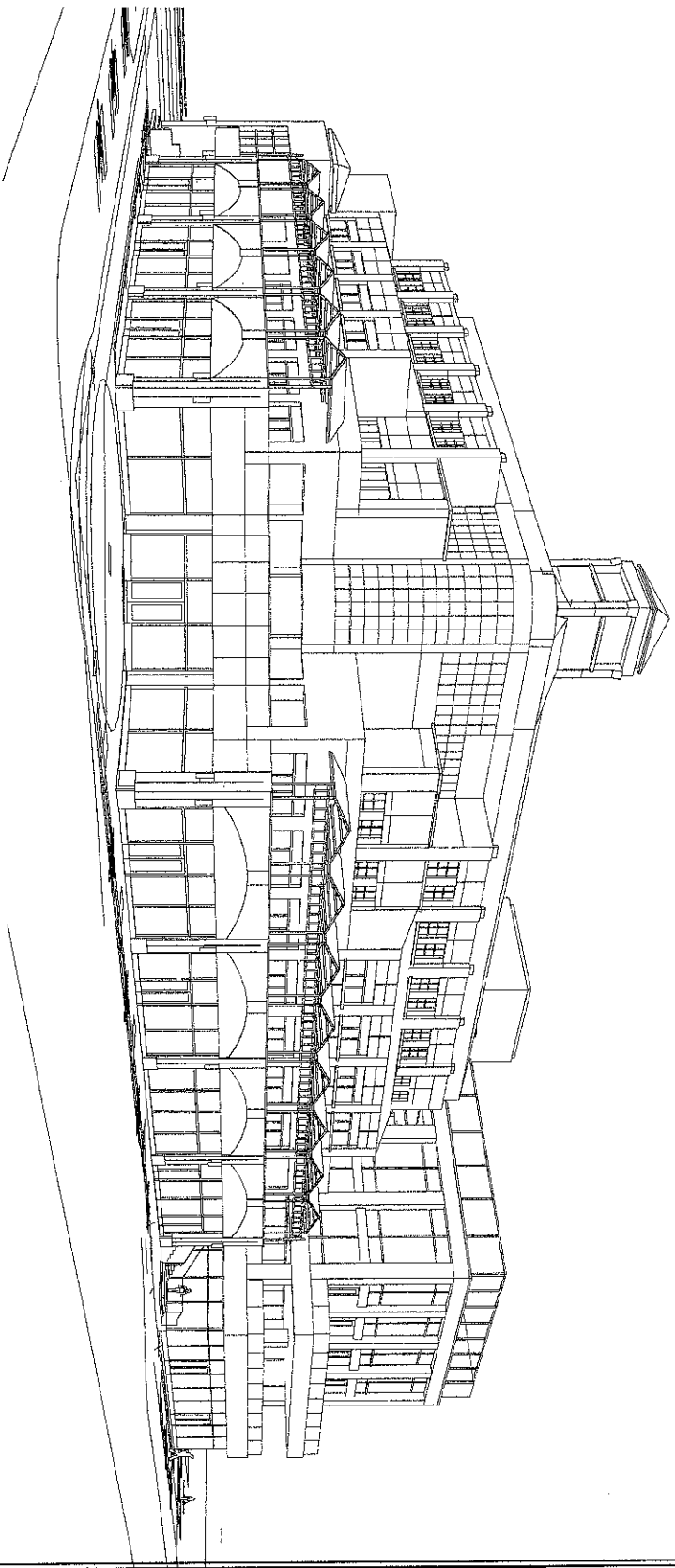
PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIFORNIA

THEORY
PROPERTIES LLC

ROBERTSON-MANN
CONSTRUCTION, INC.
CALIFORNIA LICENSE # C-45486-A & B
11000 Highway 101, Suite 200, San Juan Capistrano, CA 92675
Tel: 949.261.1100 Fax: 949.261.1101
www.robertson-mann.com

NO.	DATE	DESCRIPTION
1	11/11/10	Initial Site Photos
2	11/11/10	Initial Site Photos
3	11/11/10	Initial Site Photos
4	11/11/10	Initial Site Photos
5	11/11/10	Initial Site Photos

MODEL
Architectural
Specialty
12000 Highway 101, Suite 200
San Juan Capistrano, CA 92675
Tel: 949.261.1100 Fax: 949.261.1101
www.robertson-mann.com



NOT FOR
CONSTRUCTION

VIEW FROM PCH AND MAIN

SCALE
1" = 10'

A-12

**3D MASSING
VIEW**

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIFORNIA

THEORY
PROPERTIES LLC

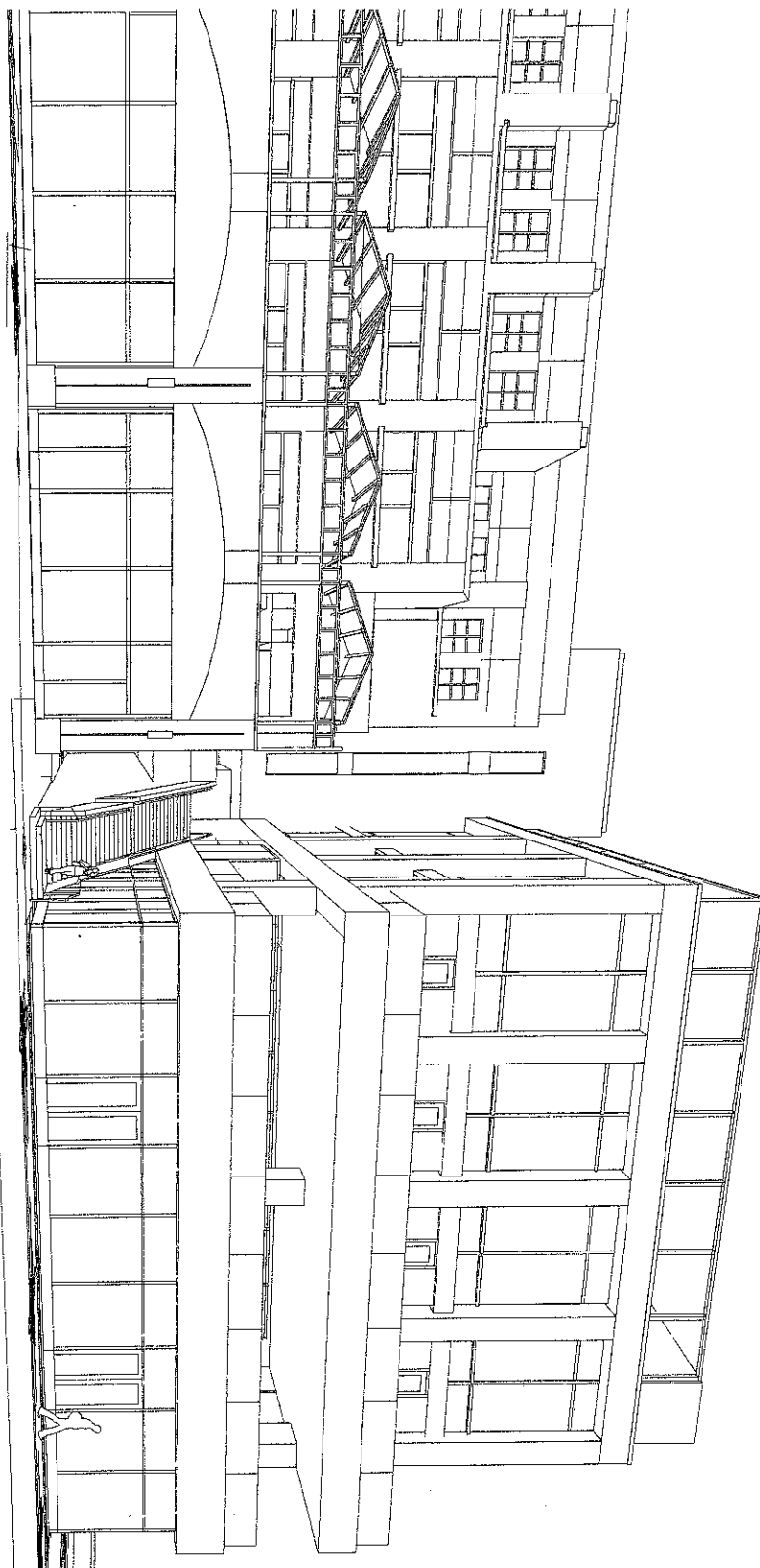
REGISTERED ARCHITECT
CONSTRUCTION INC.
CALIFORNIA LICENSE # 44444

DATE	10/1/15
BY	ARCHITECT
CHECKED BY	ARCHITECT
APPROVED BY	ARCHITECT

ARCHITECT
1000 EAST GARDEN STREET
LOS ANGELES, CA 90012
P: 213.234.1111
F: 213.234.1112

MODEL





NOT FOR
CONSTRUCTION

VIEW OF MAIN ENTRY

DATE

REV

1

A-13

**3D MASSING
VIEW**

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIFORNIA

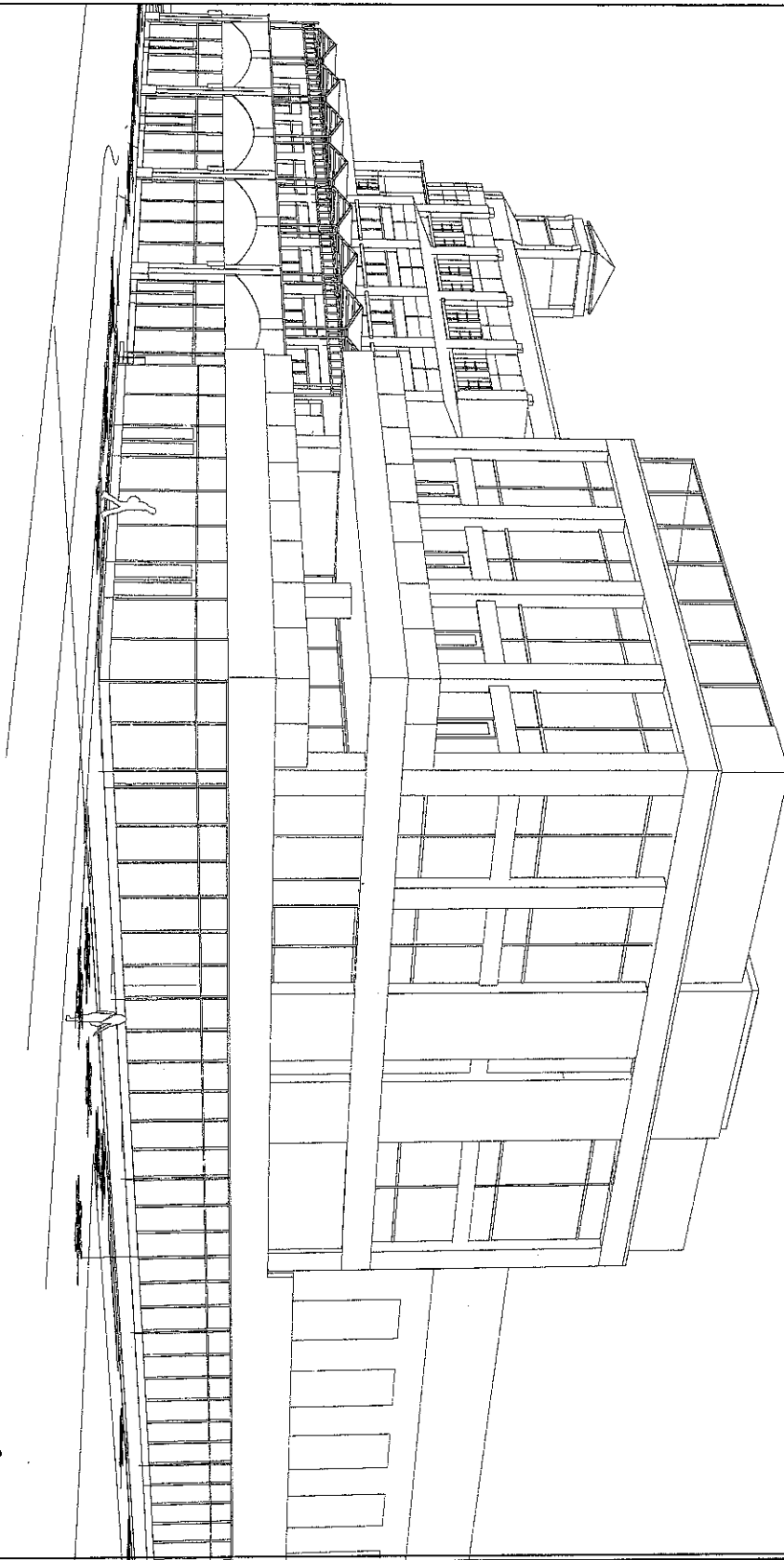
THEORY
PROPERTIES LLC

HOUSING
CONSTRUCTION INC.
CLACKAMASH | CLACKAMASH

REVISION	DATE	BY
1	11/11/11	11/11/11
2	11/11/11	11/11/11
3	11/11/11	11/11/11
4	11/11/11	11/11/11
5	11/11/11	11/11/11

Specialty in Design
Architectural Services
11111 11111 11111
11111 11111 11111
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MODEL



NOT FOR
CONSTRUCTION

VIEW FROM PCH

5045

3

□

1

1

11

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1

1

3D MASSING VIEW

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CALIFORNIA

THEORY R
PROPERTIES LLC

BASECAMP MARK
CONSTRUCTION INC.
CALCULUS | CLASS A & B

	REAL BOUND	
Δ	DAB	
Δ	$Q_1 = 22.1$	
Δ	DAB	
Δ	$Q_2 = 12$	
Δ		
Δ		
Δ		

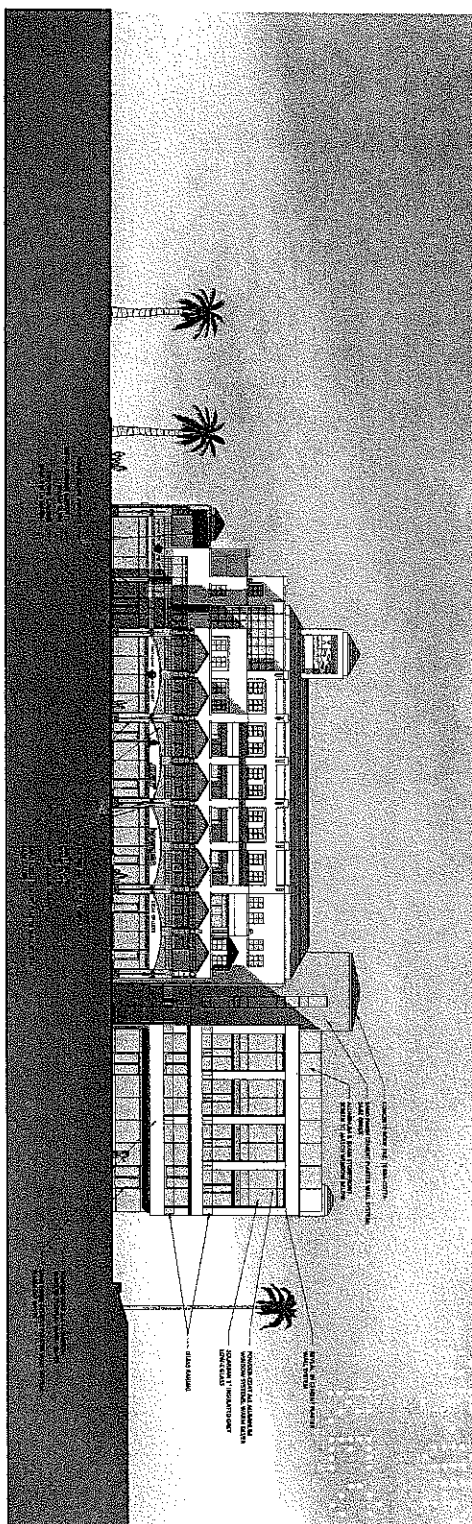
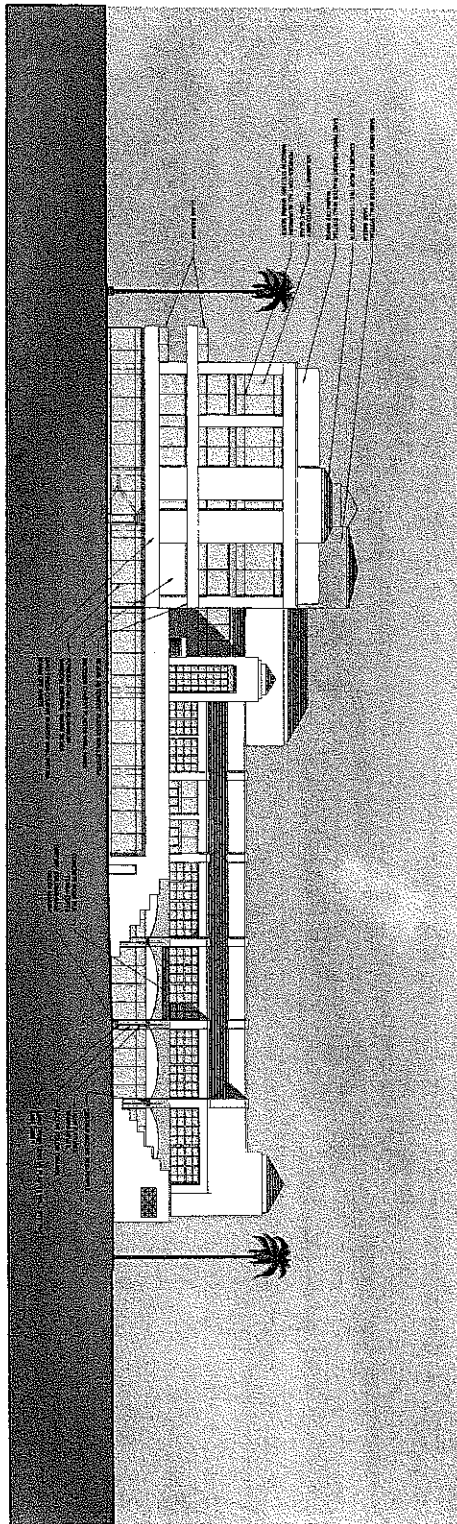
Architectural
Special Projects
1990 So. Bundy Dr.
Fountain Valley
Los Angeles, CA 90025
T. 310.625.2100
F. 310.826.0182
www.fvpa.com

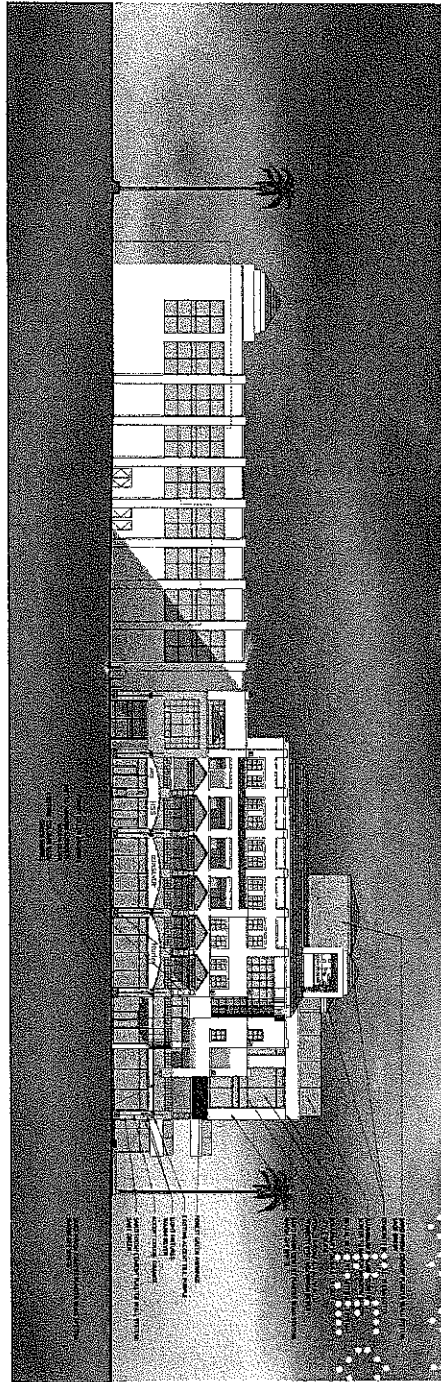
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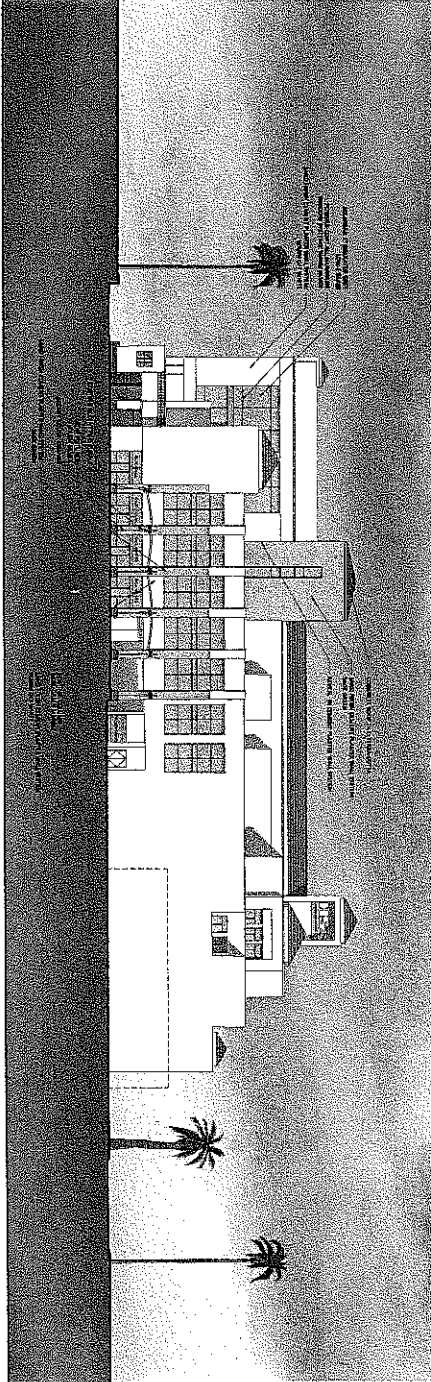
Age	Sex	Height (cm)	Weight (kg)	Body mass index (kg/m ²)	Waist circumference (cm)	Waist-hip ratio	Trunk circumference (cm)	Trunk-hip ratio	Neck circumference (cm)	Neck-hip ratio	Neck-thigh ratio	Neck-waist ratio
18	M	175	75	24.2	95	0.85	105	0.85	35	0.35	0.45	0.45
20	F	165	65	23.9	85	0.85	95	0.85	30	0.30	0.40	0.40
22	M	180	80	24.7	100	0.85	110	0.85	38	0.38	0.48	0.48
24	F	170	70	24.2	90	0.85	100	0.85	32	0.32	0.42	0.42
26	M	185	85	24.7	105	0.85	115	0.85	40	0.40	0.50	0.50
28	F	175	75	24.2	95	0.85	105	0.85	35	0.35	0.45	0.45
30	M	190	90	25.0	110	0.85	120	0.85	42	0.42	0.52	0.52
32	F	180	80	25.0	100	0.85	110	0.85	38	0.38	0.48	0.48
34	M	195	95	25.0	115	0.85	125	0.85	45	0.45	0.55	0.55
36	F	185	85	25.0	105	0.85	115	0.85	40	0.40	0.50	0.50
38	M	200	100	25.0	120	0.85	130	0.85	48	0.48	0.58	0.58
40	F	190	90	25.0	110	0.85	120	0.85	42	0.42	0.52	0.52
42	M	205	105	25.0	125	0.85	135	0.85	50	0.50	0.60	0.60
44	F	200	100	25.0	115	0.85	125	0.85	45	0.45	0.55	0.55
46	M	210	110	25.0	130	0.85	140	0.85	52	0.52	0.62	0.62
48	F	205	105	25.0	120	0.85	130	0.85	48	0.48	0.58	0.58
50	M	215	115	25.0	135	0.85	145	0.85	55	0.55	0.65	0.65
52	F	210	110	25.0	125	0.85	135	0.85	50	0.50	0.60	0.60
54	M	220	120	25.0	140	0.85	150	0.85	58	0.58	0.68	0.68
56	F	215	115	25.0	130	0.85	140	0.85	52	0.52	0.62	0.62
58	M	225	125	25.0	145	0.85	155	0.85	60	0.60	0.70	0.70
60	F	220	120	25.0	135	0.85	145	0.85	55	0.55	0.65	0.65
62	M	230	130	25.0	150	0.85	160	0.85	62	0.62	0.72	0.72
64	F	225	125	25.0	140	0.85	150	0.85	58	0.58	0.68	0.68
66	M	235	135	25.0	155	0.85	165	0.85	65	0.65	0.75	0.75
68	F	230	130	25.0	145	0.85	155	0.85	60	0.60	0.70	0.70
70	M	240	140	25.0	160	0.85	170	0.85	68	0.68	0.78	0.78
72	F	235	135	25.0	150	0.85	160	0.85	62	0.62	0.72	0.72
74	M	245	145	25.0	165	0.85	175	0.85	70	0.70	0.80	0.80
76	F	240	140	25.0	155	0.85	165	0.85	65	0.65	0.75	0.75
78	M	250	150	25.0	170	0.85	180	0.85	72	0.72	0.82	0.82
80	F	245	145	25.0	160	0.85	170					

ATTACHMENT NO. 2.17





WEST ELEVATION

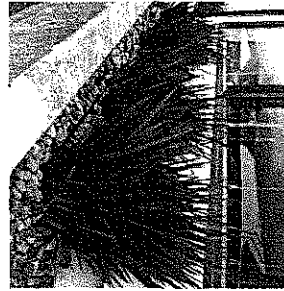


NORTH ELEVATION

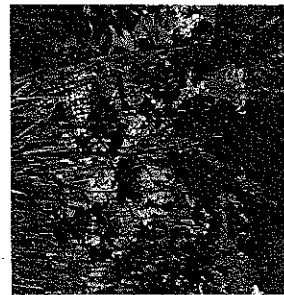
COLORED NORTH/ WEST ELEVATION SCALE: 1/8"=1'-0" DATE: 11/18/2010 DRAWN BY: J. L. HARRIS	PIERSIDE PAVILION 300 PACIFIC COAST HIGHWAY HUNTINGTON BEACH, CALIFORNIA	THEORY PROPERTIES LLC 10000 THEORY DRIVE HUNTINGTON BEACH, CA 92648 (714) 363-1000	CONSTRUCTION INC. 10000 THEORY DRIVE HUNTINGTON BEACH, CA 92648 (714) 363-1000	ARCHITECT 10000 THEORY DRIVE HUNTINGTON BEACH, CA 92648 (714) 363-1000	ENGINEER 10000 THEORY DRIVE HUNTINGTON BEACH, CA 92648 (714) 363-1000	LANDSCAPE ARCHITECT 10000 THEORY DRIVE HUNTINGTON BEACH, CA 92648 (714) 363-1000	INTERIOR DESIGNER 10000 THEORY DRIVE HUNTINGTON BEACH, CA 92648 (714) 363-1000	PLANNING 10000 THEORY DRIVE HUNTINGTON BEACH, CA 92648 (714) 363-1000	CONSTRUCTION 10000 THEORY DRIVE HUNTINGTON BEACH, CA 92648 (714) 363-1000	CONSTRUCTION 10000 THEORY DRIVE HUNTINGTON BEACH, CA 92648 (714) 363-1000



AGAVE ATTENUATA
FOXTAIL AGAVE



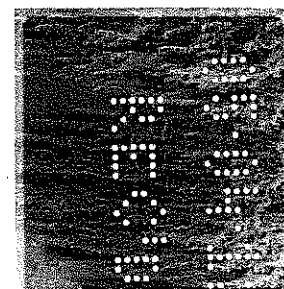
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'LITTLE REV'
LITTLE REV FLAX LILY



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KANGAROO PAW



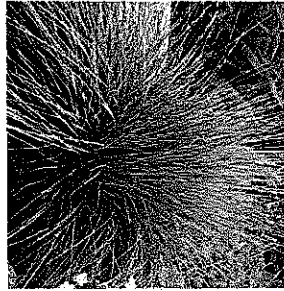
FESTUCA OVINA GLAUCA
'ELIA BLUE'
ELIA BLUE FESCUE



ROSMARINUS OFFICINALIS
'IRENE'
PROSTRATE ROSEMARY



MYRSINE AFRICANA
AFRICAN BOXWOOD



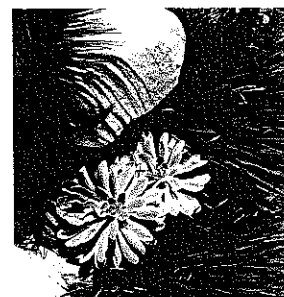
HELICTOTRICHON SEMPERVIRENS
BLUE OAT GRASS



SENECIO MANDRALISCAE
BLUE CHALK STICKS



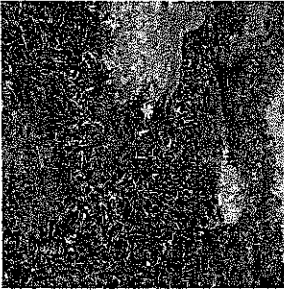
AEONIUM ZWARTKOPP
LARGE PURPLE AEONIUM



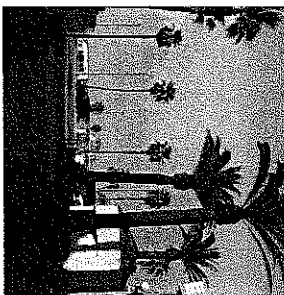
AEONIUM SUNBURST
COPPER PINWHEEL



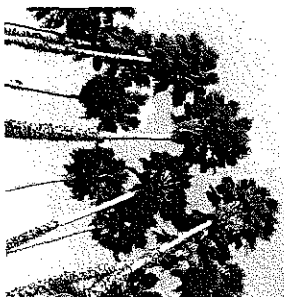
DISTICTUS BUCCINITORIA
RED TRUMPET VINE



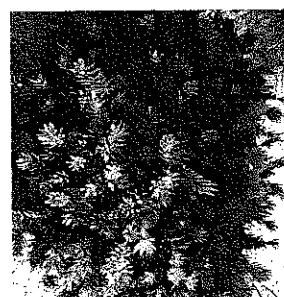
DYMONDIA MARGARETAE
DYMONDIA



PHOENIX CANARIENSIS
CANARY ISLAND PALM



WASHINGTONIA ROBUSTA
MEXICAN FAN PALM



CALLISTEMON 'LITTLE JOHN'
LITTLE JOHN BOTTLEBRUSH

PLANT IMAGERY

PIERSIDE PAVILION
300 PACIFIC COAST HIGHWAY
HUNTINGTON BEACH, CA.



TOLLY

Landscape Architecture
601 North Breaux Street, Orange, CA
(714) 968-2200

Landscape Inc.

REVISIONS
DATE
BY

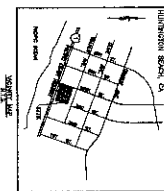
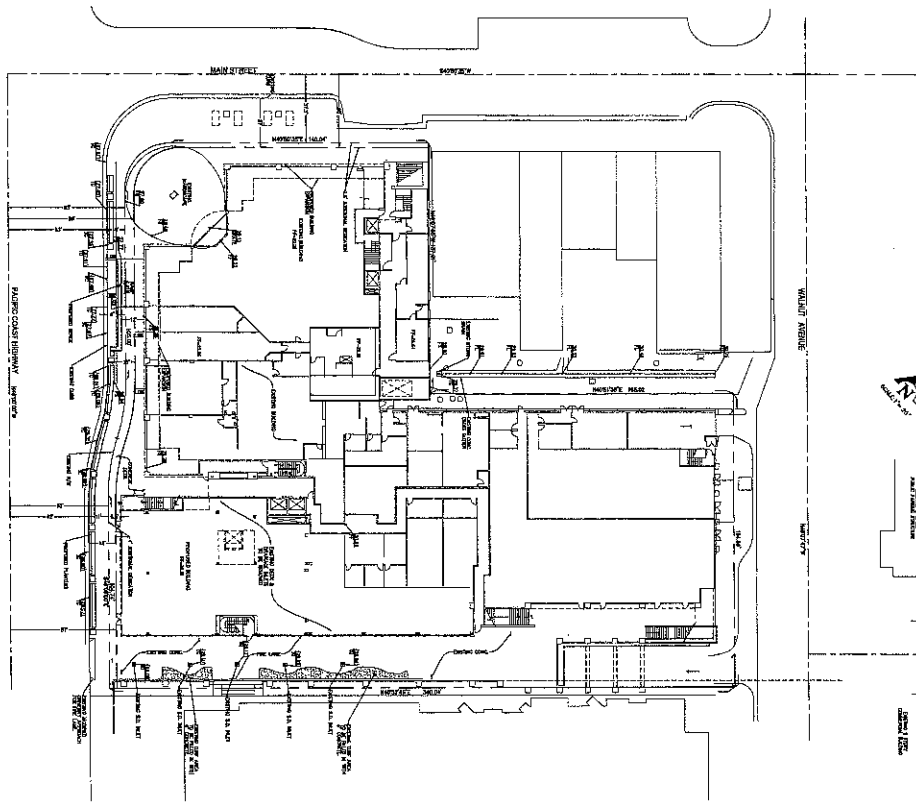
8/24/11

Drawn by
JH

Project

Sheet

LP-2



W.J. ANDERSON, INC.
 1000 S. GARDEN AVENUE, SUITE 100
 ANAHEIM, CALIFORNIA 92805
 (714) 771-1111
 FAX (714) 771-1112
 WWW.WJANDERSON.COM

DATE OF PREPARATION: 08/01/2001
 PRELIMINARY GRADING
 LOT 1 TRACT 15322 AND 15323-24/25
 FRESNO COUNTY
 FRESNO COUNTY, CALIFORNIA

SHEET 1 OF 1
 PREPARED BY: W.J. ANDERSON, INC.
 CHECKED BY: W.J. ANDERSON, INC.
 DATE: 08/01/2001

**REVISED
NARRATIVE**
(05/04/2012)

Pierside Pavilion

New Conditional Use Permit and Coastal Development Permit and other Entitlements

RECEIVED

Location: 300 Pacific Coast Highway

MAY 04 2012

Business: Pierside Pavilion Expansion
(New retail, restaurant & office uses)

Dept. of Planning
& Building

Request: To expand the allowed uses in the Pierside Pavilion project from the previously approved limits (Entitlement Plan Amendment No. 07-01), in order to create new in-fill square footage on the existing building and construct a new building to expand the overall project as follows:

	New CUP Proposal	Existing Entitlement (EPA No. 07-01)	Change
Retail	30,000 sf.	19,000 sf.	+11,000 sf.
Restaurant*	36,000 sf.	29,000 sf.	+7,000 sf.
Office	76,000 sf.	51,000 sf.	+25,000 sf.
Total	142,000 sf.	99,000 sf.	+43,000 sf.

*With alcohol and outdoor dining

The following items are being requested:

- New Conditional Use Permit & Coastal Development Permit
 - Expanded Uses retail, restaurant and office
 - Restaurants with alcohol
 - Shared parking
 - Special Permits for reduction of front yard setback along PCH
- Variance
 - Building height deviation from four stories 45' plus 10' mechanical housing and roofline variation, to four stories 68' plus 10' roofline variation and a mechanical housing element up to 90' to match the existing Phase I building
- Entitlement Plan Amendment to Conditional Use Permit No. 10-17
 - Outdoor vending cart. The previously approved layout needs to be modified to accommodate the proposed project layout. The existing number of approved carts will not be increased
- Planed Sign Program Amendment (To be submitted at a later date)
 - To amend the existing sign program to accommodate the new proposal (PSP 90-7(R))
- Design Review Board
 - Revised building elevations
 - Design Guidelines checklist
 - Colors and Materials pallet
 - Landscape Plans with vending carts and street furniture

ATTACHMENT NO. 3.1

o Amended Planned Sign Program.

The request will require a further Amendment to the new Owner Participation Agreement approved by City Council in July, 2009.

Project Description: To create a new four level building adjacent to Pacific Coast Highway, on the eastern side of the project site, as an expansion to the existing Pierside Pavilion development. In addition the existing building proposes modifications to create additional square footage by in-filling portions of the current structure, in closing the arcade areas and other areas all within the footprint of the existing building. The new project will be a combination of in-fill development and new construction added to the existing building. The new project as currently designed will result in the following:

	IN-FILL	NEW	EXISTING	TOTAL
Retail	4,501 sf.	8,045 sf.	15,406 sf.	27,952 sf.
Restaurant*	1,577 sf.	11,113 sf.	23,230 sf.	35,920 sf.
Office	3,323sf	15,514 sf.	55,617 sf.	74,454 sf.
	9,401 sf.	34,672 sf.	94,253 sf.	138,326 sf.

*With alcohol and outdoor dining

However anticipating that some modifications may occur through the design review process the request is to establish an allowance for each use as identified in the project request.

The new Conditional Use Permit and Coastal Development Permit are to allow the additions to the current mix of uses. The new retail activities are proposed on the first level with additional office space located on the interior portions of the first level and the upper two levels. New restaurant space, with alcohol, is also proposed on the second level. Existing retail uses will be expanded with the proposed in-fill square footage along Main Street and Pacific Coast Highway.

Shared parking is being requested consistent with the provisions of the Downtown Specific Plan. "Two or more land uses or business with hours of operation that do not substantially coincide" (for example office vs. restaurant). A shared parking agreement has been approved with the Owner Participation Agreement (July 2009). The project may use up to 300 parking spaces in the municipal parking structure (200 Main Street).

The proposed project will provide 296 parking spaces on site and share 234 spaces in the City's facility. The shared parking for the projection and is located within 350 feet of the project site. The project has also been approved for valet parking (Conditional Use Permit No. 90-37).

A Special Permit is being requested to address the reduction in front setback along Pacific Coast Highway. The request is to encourage a continuation of the building façade along Pacific Coast Highway and create an aesthetically pleasing appearance facilitating a more innovative architectural design and allowing the development to better adopt to the unique surroundings environment. The minimum 15 foot of sidewalk area will be provided with a combination of public properties (Caltrans R.O.W. and new dedication to the City) along PCH (4') and Main Street (2.5'). However the setback from the property line will be reduced to 6'3". This request will allow for a continuation of the new building line with the existing building. The original CUP No. 88-7 was granted a Special Permit for front yard setback adjacent to Pacific Coast Highway with the following findings:

- "For deviations to the requirements of the Downtown Specific Plan to promote a better living environment and provide maximum use of the land in terms of site layout and design." This request will allow the new construction to match the setback line of the condominiums to the south.

A Variance is being request to allow the proposed building to match the floor plate elevations with the existing structure. In order to accommodate a compatible architectural design with the new portions of the project and the existing building. The in-fill type development proposed has a physical hardship related to limitations of the project site size, location and the need to be designed compatible with the existing development and adjacent projects. The new expansion will be limited to four stories and match the elevations with the existing building with similar roof top design features and mechanical housings. The Variance is necessary to allow a design concept that will combine two buildings to appear as one integrated development.

Site History:

Pierside Pavilion was the first Redevelopment Project in downtown Huntington Beach. The project was approved in 1988 with Conditional Use Permit No. 88-7 and Coastal Development Permit 88-3. The project was amended in 1990 with Conditional Use Permit No. 90-37 and Coastal Development Permit No. 90-21. In 2009 it was further Amended with Entitlement Plan Amendment No. 07-01. Outdoor dining and vending carts were approved with Conditional Use Permit No 10-17.

**Zoning and
General Plan:**

The property is zoned Downtown Specific Plan No. 5 (Planning Area 3) and the General Plan designation is MV-F12-sp-pd. The proposed project has been analyzed by the standards in the Amended Downtown Specific Plan (1/19/2010).

Surrounding Uses: North-Parking Structure/Restaurants/Retail
East-Retail/Residential
South-Residential Condominiums
West-Retail/Restaurants

**Environmental
Status:**

There are no significant environmental impacts associated with this project. The project site is not within a known hazardous waste and substance site. An Environmental Assessment has been submitted with supplemental special studies.

**Land Use
Compatibility:**

The proposed project is compatible with existing businesses in the area and will comply with the City's noise ordinance and the hours of operation will be consistent with other businesses within the downtown area.

Pierside Pavilion Uses

USES EXISTING	CUP 88-7 CDP 88-3	CUP 90-37 CDP 90-21	ENTITLEMENT PLAN AMENDMENT NO. 07-001	NEW CUP REQUEST	PROPOSED NEW PROJECT TOTALS
Retail	15,406 sq. ft.	12,624 sq. ft.	19,000 sq. ft.	30,000 sq. ft.	27,952 sq. ft.
Restaurant*	19,787 sq. ft.	26,731 sq. ft.	29,000 sq. ft.	36,000 sq. ft.	35,920 sq. ft.
Office	54,182 sq. ft.	15,925 sq. ft.	51,000 sq. ft.	76,000 sq. ft.	74,454 sq. ft.
Theater**	-	30,000 sq. ft.	0 sq. ft.	0 sq. ft.	0 sq. ft.
Subtotal	89,375 sq. ft.	85,280 sq. ft.	99,000 sq. ft.	142,000 sq. ft.	138,326 sq. ft.
Total Gross Area	90,000 sq. ft.	90,000 sq. ft.***	90,000 sq. ft.***		
Insite	296 sp.	296 sp.	296 sp.	296 sp.	296 sp.
Offsite	300 sp	624 sp.	150 sp.	300 sp.	300 sp.
Valet				56 sp	56 sp.
Total	596 sp.	920 sp.	446 sp.	652 sp.	652 sp.

05/4/2012

**1,750 seats

***Approved gross sq. ft. is greater than the sum of the individual uses.

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Pierside Pavilion Required Parking

USES EXISTING	CUP 88-7 CDP 88-3	CUP 90-37 CDP 90-21	ENTITLEMENT PLAN AMENDMENT NO. 07-001	NEW CUP REQUEST*
Retail	94 sp. (1/250)	51 sp. (1/250)	57 sp. (1/333)	90 sp. (1/333)
Restaurant	110 sp. (1/150)	176 sp. (1/150)	290 sp. (1/100)	288 sp. (1/125)
Office	16 sp. (1/1000)	16 sp. (1/1000)	102 sp. (1/500)	152 sp. (1/500)
Theater	583 sp. (1/3 seats)	583 sp. (1/3 seats)	-	-
Total Parking Required	803 sp.	828 sp.	449 sp.	530 sp.

05/04/2012

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& Building

Summary of Development Standards District 1			
	Commercial or Mixed-Use		Section
	REQUIRED	PROPOSED	
Minimum Parcel Size	25' street frontage & 2,500 sf net area	140' street frontage & 76,650 sf net area	3.3.1.5
Maximum Site Coverage	None required		3.3.1.6
Maximum Density	50 du/ac	N/A	3.3.1.7
Minimum Building Height	25'	N/A	3.3.1.8
Maximum Building Height	•≥8,000 sf net site area: 45' & 4 stories, plus 10' mechanical housing & roofline variation	68' & 4 stories plus roofline variation & mechanical tower	3.3.1.8
Upper Story Setback (3 rd -4 th story)	10' average	10' avg. (3 rd & 4 th stories)	3.3.1.9
Front Yard Setback	0' -Max. 5'/15' PCH	5' Min.	3.3.1.10
Interior Side yard Setback	0'	10'	3.3.1.11
Exterior Side yard Setback	Equal to front setback=5'	28'	3.3.1.11
Corner Setback	25'	48'	3.3.1.12
Rear Yard Setback	3'	7.5'	3.3.1.13
Public Open Space	5% = 3,834 sf	16,374 sf (21%)	3.3.1.14

08/25/2011

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& Building

ATTACHMENT NO. 3.7

	Existing S.F.	Proposed Infill S.F.	New Building Area	Total S.F.
First Floor				
Retail				
Suite 101	6,900			
Suite 106A	955			
Suite 106B	650			
Suite 107A	1,215	4,501	5,526	
Suite 107B	1,006			
Suite 108	3,225			
Misc	367			
Commissary	1,088			
	15,406	4,501	5,526	25,433
Restaurant				
Suite 112	5,344	1,577		
Suite 113	3,978			
	9,322	1,577	0	10,899
Office				
Suite 109	790			
Suite 110	960			
Suite 111	706			
Suite 114	680	2,989	2,519	
Suite 118	1,405			
Suite 120	350			
Misc	739			
Common/lobby				
	5,630	2,989	2,519	11,138
Sub Total	30,358	9,067	8,045	47,470

Second Floor				
Restaurant				
Suite 201	5,488		4,128	
Suite 202	5,017			
	10,505	0	4,128	14,633
Office				
Suite 203	6,442			
Suite 204	18,385			
Common			839	
	24,827	0	839	25,666
Sub Total	35,332	0	4,967	40,299

Third Floor				
Office				
Suite 303	4,018			
Suite 304	957		5,173	
Suite 305	9,039	167		
Suite 310	2,570			
Misc	231			
Common			1,795	
	16,815	167	6,968	23,950
Sub Total	16,815	167	6,968	23,950

Fourth Floor				
Office				
Suite 405	3,092			
Suite 408	2,673	167	5,173	
Misc	1,145			
Common			1,497	
	6,910	167	6,670	13,747
Sub Total	6,910	167	6,670	13,747

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MAY 04 2012

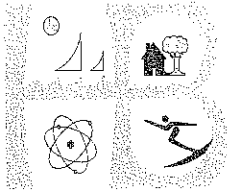
Dept. of Planning
& Building

ATTACHMENT NO. 3.8

Roof Deck				
Common			1,122	1,122
	0	0	1,122	1,122
Sub Total	0	0	1,122	1,122

Sub Total Retail	15,406	4,501	5,526	25,433
Sub Total Office	54,182	3,323	18,118	74,501
Sub Total Restaurant	19,827	1,577	4,128	25,654
Total	89,415	9,401	27,772	126,588

Terraces				
First Floor	0	0	0	0
Second Floor	3986	1412	669	6067
Third Floor	2581	0	988	3569
Fourth Floor	1196	0	0	1196
Roof	0	0	0	0
Total Terraces	7763	1412	1657	10832
Outdoor Dining				
First Floor	302	0	0	302
Second Floor	3403	0	2222	5625
Third Floor	0	0	0	0
Fourth Floor	0	0	0	0
Roof	0	0	3924	3924
Total Outdoor Dining	3705	0	6146	9851



City of Huntington Beach

2000 MAIN STREET

CALIFORNIA 92648

DEPARTMENT OF PLANNING AND BUILDING

www.huntingtonbeachca.gov

Planning Division

714.536.5271
August 6, 2012

Building Division

714.536.5241

Michael Adams
PO Box 382
Huntington Beach, CA 92648

**SUBJECT: COASTAL DEVELOPMENT PERMIT NO. 11-012/CONDITIONAL USE PERMIT
NO. 11-021/VARIANCE NO. 11-005 /ENTITLEMENT PLAN AMENDMENT NO.
11-007/ENVIRONMENTAL ASSESSMENT NO. 11-007 (PIERSIDE
EXPANSION) – Code Requirements Letter (REVISED)**

Dear Mr. Adams,

In order to assist you with your development proposal, staff has reviewed the project and identified applicable city policies, standard plans, and development and use requirements, excerpted from the City of Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes. This list is intended to help you through the permitting process and various stages of project implementation should the Planning Commission approve your project.

It should be noted that this requirement list is in addition to any "conditions of approval" adopted by the Planning Commission if the project is approved. Please note that if the design of your project or site conditions change, the list may also change.

The Director of Planning and Building has interpreted the relevant Sections of the Zoning and Subdivision Ordinance to require that your project satisfy the following development standards. If you would like a clarification of any of these requirements, an explanation of the Huntington Beach Zoning & Subdivision Ordinance and Municipal Codes, or believe some of the items listed do not apply to your project, and/or you would like to discuss them in further detail, please contact me at 714-536-5561 or at ethan.edwards@surfcity-hb.org and/or the respective source department (contact person below).

Sincerely,

Ethan Edwards, AICP
Associate Planner

Enclosure

xc: Khoa Duong, Building and Safety Division – 714-872-6123
Steve Bogart, Public Works – 714-536-1692
Arvar Elkins, Police Department – 714-960-8825
Joe Morelli, Fire Department – 714-536-5531
Steven Fong, Police Department – 714-536-5960
Herb Fauland, Planning Manager
Jason Kelley, Planning Department
Project File



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: AUGUST 3, 2012

PROJECT NAME: PIERSIDE PAVILION EXPANSION

ENTITLEMENTS: CDP 11-012, CUP 11-021, DRB 11-015, VAR 11-005, EAX 11-007

PLNG APPLICATION NO: 2011-0131

DATE OF PLANS: MAY 4, 2012

PROJECT LOCATION: 300 PACIFIC COAST HIGHWAY

PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: 714-536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG

PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER

TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG

PROJECT DESCRIPTION: **CUP/CDP:** a) To permit an approximately 27,700 sq. ft., 4-story mixed-use building at the southeast area of the Pierside Pavilion site within the Coastal Zone; b) to permit the consumption of alcohol within the restaurant areas; c) to expand the allowable uses originally established by Conditional Use Permit No. 90-37/Coastal Development Permit No. 90-21 and amended by Entitlement Plan Amendment No. 07-001 and Entitlement Plan Amendment No. 11-005 by adding 9,000 sq. ft. retail, 3,000 sq. ft. restaurant and 21,000 sq. ft. office; and, c) to permit shared parking. An amendment to the Owner Participation Agreement (OPA) approved in 2009 is required. **EAX:** To review environmental impacts and determine level of CEQA documentation. **VAR:** To permit a maximum height of 73 ft. and 90 ft. architectural projections in lieu of a maximum of 45 ft. **SPX:** to permit a 5 ft. minimum front yard setback in lieu of a minimum of 15 ft. **DRB:** To review the design, colors, and materials of the remodel for the existing building to remain and proposed building.

The following is a list of code requirements deemed applicable to the proposed project based on plans as stated above. The items below are to meet the City of Huntington Beach's Municipal Code (HBMC), Zoning and Subdivision Ordinance (ZSO), Department of Public Works Standard Plans (Civil, Water and Landscaping) and the American Public Works Association (APWA) Standards Specifications for Public Works Construction (Green Book), the Orange County Drainage Area management Plan (DAMP), and the City Arboricultural and Landscape Standards and Specifications. The list is intended to assist the applicant by identifying requirements which shall be satisfied during the various stages of project permitting, implementation and construction. If you have any questions regarding these requirements, please contact the Plan Reviewer or Project Planner.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO
ISSUANCE OF A GRADING PERMIT:**

1. A Legal Description and Plot Plan of the dedications to the City and to the State of California shall be prepared by a licensed surveyor or engineer and submitted to Public Works for review and approval. The dedication shall be recorded prior to issuance of a grading permit.
2. The following dedications to the City of Huntington Beach shall be shown on the Precise Grading Plan. (ZSO 230.084A)
 - a. A 2.5-foot wide right-of-way dedication for pedestrian access and public utilities along the Main Street frontage is required. (ZSO 230.84, DTSP)
 - b. A 10-foot wide public pedestrian easement shall be provided through the development generally parallel to the vacated 3rd Street. (DTSP)
3. The following dedications to the State of California shall be shown on the Precise Grading Plan. (ZSO 230.084A)
 - a. A right-of-way dedication (varying in width, from 5-foot wide adjacent to the existing bus turnout to 4-foot wide at the site's easterly end) for pedestrian access and public utilities along the Pacific Coast Highway frontage is required. The subject dedication shall provide for a total minimum sidewalk dedication pursuant to the Downtown Specific Plan, Section 3.3.1.10. (ZSO 230.84, DTSP)
4. All proposed improvements along Pacific Coast Highway shall be reviewed and approved by Caltrans. (GP CE 3, Caltrans)
5. A Street Improvement Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
 - a. The existing curb and gutter along the project's Main Street frontage where the additional sidewalk area is proposed shall be removed.
 - b. The proposed additional curb and gutter along the project's Main Street frontage shall be constructed consistent with Public Works Standard Plan Nos. 202 and 207. (ZSO 230.84)
 - c. The existing sidewalk along the project's Main Street and Pacific Coast Highway frontages shall be removed and replaced with enhanced paving per the guidelines of Downtown Specific Plan. (DTSP)
 - d. Twenty six (26) feet wide enhanced sidewalk consistent with guidelines specified in the Downtown Specific Plan Update shall be constructed along the project's Main Street frontage. (DTSP)
 - e. Any lost on-street parking (resulting from Code Requirement No. 5.d above) shall be replaced at a one-to-one ratio within walking distance of the existing site pursuant to HBZSO Section 231.28. (DTSP)
 - f. The existing non-conforming ADA access ramp at the southeast corner of Pacific Coast Highway and Main Street shall be removed and replaced with an ADA compliant access ramp, per Caltrans Standard Plan A88A. (ZSO 230.84, ADA)
 - g. The existing half-width street paving at the project's Main Street frontage shall be removed and reconstructed with enhanced concrete consistent with the special paving guidelines as specified in the Downtown Specific Plan. (DTSP)

6. A Precise Grading Plan, prepared by a Licensed Civil Engineer, shall be submitted to the Public Works Department for review and approval. (MC 17.05/ZSO 230.84) The plans shall comply with Public Works plan preparation guidelines and include the following improvements on the plan:
 - a. The existing sewer lateral may potentially be utilized if it is of adequate size, conforms to current Public Works Standards and is determined to be in serviceable condition by submitting a video of the lateral. If the sewer is determined to be inadequate, a new sewer lateral shall be installed, connecting to the main in the alley, per Public Works Standards. (ZSO 230.84)
 - b. The existing domestic water service(s) currently serving the existing development may potentially be utilized if it is (they are) of adequate size, conform to current standards, and are in working condition as determined by the Water Inspector. If the property owner elects to utilize the existing water service(s), any non-conforming water service(s), meter(s), and backflow protection device(s) shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate domestic water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards and shall be sized to meet the minimum requirements set by the California Plumbing Code (CPC). (ZSO 230.84)
 - c. The existing irrigation water service(s) currently serving the existing development may potentially be utilized if they are of adequate size, conform to current standards, and are in working condition as determined by the Utilities Division. If the property owner elects to utilize the existing water service(s), all non-conforming water meters and backflow protection devices shall be upgraded to conform to the current Water Division Standards. Alternatively, a new separate irrigation water service(s), meter(s) and backflow protection device(s) may be installed per Water Division Standards. (ZSO 232)
 - d. The existing fire water service currently serving the existing development may potentially be utilized if it is of adequate size, conforms to current standards, and is in working condition as determined by the Utilities Division. If property owner elects to utilize the existing fire water service, any non-conforming backflow protection devices shall be upgraded to conform to the current Water Division Standards. (ZSO 230.84)
7. The developer shall submit for approval by the Fire Department and Water Division, a hydraulic water analyses to ensure that existing fire service from the point of connection to City water main to the backflow protection device satisfies Water Division standard requirements.
8. The City has approved the Downtown Specific Plan, which will ultimately require that a 12-inch waterline to be constructed along the northeasterly side of Pacific Coast Highway. While the existing water mains in the area may provide adequate water service and fire flow protection to the property at this time, the ultimate construction of the public 12-inch waterline will require some form of impact fees to be paid by the property owner for the proposed development. The impact fees have yet to be determined at this time. (Downtown Specific Plan)
9. Prior to the issuance of any grading or building permits for projects that will result in soil disturbance of one or more acres of land, the applicant shall demonstrate that coverage has been obtained under the Waste Discharge Requirements for Discharges of Storm Water Runoff Associated with Construction and Land Disturbance Activities (Order No. 2009-0009-DWQ) [General Construction Permit] by providing a copy of the Notice of Intent (NOI) submitted to the State of California Water Resources Control Board and a copy of the subsequent notification of the issuance of a Waste Discharge Identification (WDID) Number. Projects subject to this requirement shall prepare and implement a Stormwater Pollution Prevention Plan (SWPPP) conforming to the current National Pollution Discharge Elimination System (NPDES) requirements shall be submitted to the Department of Public Works for review and acceptance. A copy of the current SWPPP shall be kept at the project site and another copy to be submitted to the City. (DAMP)

10. A Project Water Quality Management Plan (WQMP) conforming to the current Waste Discharge Requirements Permit for the County of Orange (Order No. R8-2009-0030) [MS4 Permit] prepared by a Licensed Civil Engineer, shall be submitted to the Department of Public Works for review and acceptance. The WQMP shall address Section XII of the MS4 Permit and all current surface water quality issues.
11. The project WQMP shall include the following:
 - a. Low Impact Development.
 - b. Discusses regional or watershed programs (if applicable).
 - c. Addresses Site Design BMPs (as applicable) such as minimizing impervious areas, maximizing permeability, minimizing directly connected impervious areas, creating reduced or "zero discharge" areas, and conserving natural areas.
 - d. Incorporates the applicable Routine Source Control BMPs as defined in the Drainage Area Management Plan. (DAMP)
 - e. Incorporates Treatment Control BMPs as defined in the DAMP.
 - f. Generally describes the long-term operation and maintenance requirements for the Treatment Control BMPs.
 - g. Identifies the entity that will be responsible for long-term operation and maintenance of the Treatment Control BMPs.
 - h. Describes the mechanism for funding the long-term operation and maintenance of the Treatment Control BMPs.
 - i. Includes an Operations and Maintenance (O&M) Plan for all structural BMPs.
 - j. After incorporating plan check comments of Public Works, three final WQMPs (signed by the owner and the Registered Civil Engineer of record) shall be submitted to Public Works for acceptance. After acceptance, two copies of the final report shall be returned to applicant for the production of a single complete electronic copy of the accepted version of the WQMP on CD media that includes:
 - i. The 11" by 17" Site Plan in .TIFF format (400 by 400 dpi minimum).
 - ii. The remainder of the complete WQMP in .PDF format including the signed and stamped title sheet, owner's certification sheet, Inspection/Maintenance Responsibility sheet, appendices, attachments and all educational material.
 - k. The applicant shall return one CD media to Public Works for the project record file.
12. Indicate the type and location of Water Quality Treatment Control Best Management Practices (BMPs) on the Grading Plan consistent with the Project WQMP. The WQMP shall follow the City of Huntington Beach; Project Water Quality Management Plan Preparation Guidance Manual dated June 2006. The WQMP shall be submitted with the first submittal of the Grading Plan.
13. A suitable location, as approved by the City, shall be depicted on the grading plan for the necessary trash enclosure(s). The area shall be paved with an impervious surface, designed not to allow run-on from adjoining areas, designed to divert drainage from adjoining roofs and pavements diverted around the area, and screened or walled to prevent off-site transport of trash. The trash enclosure area shall be covered or roofed with a solid, impervious material. Connection of trash area drains into the storm drain system is prohibited. If feasible, the trash enclosure area shall be connected into the sanitary sewer. The project's existing trash enclosure shall be restored to the satisfaction of the

City, including operational doors and being fully enclosed by impermeable walls. Runoff from the trash bins shall not enter the storm drain system that flows directly onto the beach. (DAMP)

14. A soils report, prepared by a Licensed Engineer shall be submitted for reference only. (MC 17.05.150)
15. The applicant's grading/erosion control plan shall abide by the provisions of AQMD's Rule 403 as related to fugitive dust control. (AQMD Rule 403)
16. The name and phone number of an on-site field supervisor hired by the developer shall be submitted to the Planning and Public Works Departments. In addition, clearly visible signs shall be posted on the perimeter of the site every 250 feet indicating who shall be contacted for information regarding this development and any construction/grading-related concerns. This contact person shall be available immediately to address any concerns or issues raised by adjacent property owners during the construction activity. He/She will be responsible for ensuring compliance with the conditions herein, specifically, grading activities, truck routes, construction hours, noise, etc. Signs shall include the applicant's contact number, regarding grading and construction activities, and "1-800-CUTSMOG" in the event there are concerns regarding fugitive dust and compliance with AQMD Rule No. 403.
17. The applicant shall notify all property owners and tenants within 300 feet of the perimeter of the property of a tentative grading schedule at least 30 days prior to such grading.
18. Traffic Impact Analysis for the project shall be reviewed and accepted by the City of Huntington Beach.

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLIED WITH DURING
GRADING OPERATIONS:**

19. An Encroachment Permit is required for all work within the City's right-of-way. (MC 12.38.010/MC 14.36.030)
20. An Encroachment Permit is required for all work within Caltrans' right-of-way.
21. The developer shall coordinate the development of a truck haul route with the Department of Public Works if the import or export of material in excess of 5000 cubic yards is required. This plan shall include the approximate number of truck trips and the proposed truck haul routes. It shall specify the hours in which transport activities can occur and methods to mitigate construction-related impacts to adjacent residents. These plans must be submitted for approval to the Department of Public Works. (MC 17.05.210)
22. Water trucks will be utilized on the site and shall be available to be used throughout the day during site grading to keep the soil damp enough to prevent dust being raised by the operations. (California Stormwater BMP Handbook, Construction Wind Erosion WE-1)
23. All haul trucks shall arrive at the site no earlier than 8:00 a.m. or leave the site no later than 5:00 p.m., and shall be limited to Monday through Friday only. (MC 17.05)
24. Wet down the areas that are to be graded or that is being graded, in the late morning and after work is completed for the day. (WE-1/MC 17.05)
25. The construction disturbance area shall be kept as small as possible. (California Stormwater BMP Handbook, Construction Erosion Control EC-1) (DAMP)
26. All haul trucks shall be covered or have water applied to the exposed surface prior to leaving the site to prevent dust from impacting the surrounding areas. (DAMP)

27. Prior to leaving the site, all haul trucks shall be washed off on-site on a gravel surface to prevent dirt and dust from leaving the site and impacting public streets. (DAMP)
28. Comply with appropriate sections of AQMD Rule 403, particularly to minimize fugitive dust and noise to surrounding areas. (AQMD Rule 403)
29. Wind barriers shall be installed along the perimeter of the site. (DAMP)
30. All construction materials, wastes, grading or demolition debris and stockpiles of soils, aggregates, soil amendments, etc. shall be properly covered, stored and secured to prevent transport into surface or ground waters by wind, rain, tracking, tidal erosion or dispersion. (DAMP)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO
ISSUANCE OF A BUILDING PERMIT:**

31. A Precise Grading Permit shall be issued. (MC 17.05)
32. Traffic impact fees shall be paid at the rate applicable at the time of Building Permit issuance. The current rate of \$172 per net new added daily trip. The following Trip Generation Rates shall be used to determine the number of new added daily trips: retail/restaurant, 42.94/1000 sf, mode shift (15%), and internal capture (20%/20%/19%); general office, 11.01/1000 sf, mode shift (15%), and internal capture (15%/15%/13%). The fee rate per net new added daily trip is subject to an annual adjustment on December 1st. (MC 17.65)
33. A License Agreement and Maintenance Agreement, including use fees, shall be executed with the City for outdoor dining located in the public right-of-way. The applicant shall apply for and obtain approval of the License and Maintenance Agreement from the Public Works Director prior to improvements or use of public easement. (DTSP 3.2.24.2)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO
ISSUANCE OF AN ENCROACHMENT PERMIT:**

34. Traffic Control Plans, prepared by a Licensed Civil or Traffic Engineer, shall be prepared in accordance with the latest edition of the City of Huntington Beach Construction Traffic Control Plan Preparation Guidelines and submitted for review and approval by the Public Works Department. (Construction Traffic Control Plan Preparation Guidelines)

**THE FOLLOWING DEVELOPMENT REQUIREMENTS SHALL BE COMPLETED PRIOR TO FINAL
INSPECTION OR OCCUPANCY:**

35. Complete all improvements as shown on the approved grading and street improvement plans. (MC 17.05)
36. All new utilities shall be undergrounded. (MC 17.64)
37. All applicable Public Works fees shall be paid at the current rate unless otherwise stated, per the Public Works Fee Schedule adopted by the City Council and available on the city web site at http://www.surfcity-hb.org/files/users/public_works/fee_schedule.pdf. (ZSO 240.06/ZSO 250.16)
38. Prior to grading or building permit close-out and/or the issuance of a certificate of use or a certificate of occupancy, the applicant shall:

- a. Demonstrate that all structural Best Management Practices (BMPs) described in the Project WQMP have been constructed and installed in conformance with approved plans and specifications.
- b. Demonstrate all drainage courses, pipes, gutters, basins, etc. are clean and properly constructed.
- c. Demonstrate that applicant is prepared to implement all non-structural BMPs described in the Project WQMP.
- d. Demonstrate that an adequate number of copies of the approved Project WQMP are available for the future occupiers.



CITY OF HUNTINGTON BEACH

PUBLIC WORKS INTERDEPARTMENTAL COMMUNICATION

SUGGESTED CONDITIONS OF APPROVAL

DATE: AUGUST 3, 2012

PROJECT NAME: PIERSIDE PAVILION EXPANSION

ENTITLEMENTS: CDP 11-012, CUP 11-021, DRB 11-015, VAR 11-005, EAX 11-007

PLNG APPLICATION NO: 2011-0131

DATE OF PLANS: MAY 4, 2012

PROJECT LOCATION: 300 PACIFIC COAST HIGHWAY

PROJECT PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: 714-536-5561 / ETHAN.EDWARDS@SURFCITY-HB.ORG

PLAN REVIEWER: STEVE BOGART, SENIOR CIVIL ENGINEER

TELEPHONE/E-MAIL: 714-374-1692 / SBOGART@SURFCITY-HB.ORG

PROJECT DESCRIPTION: **CUP/CDP:** a) To permit an approximately 27,700 sq. ft., 4-story mixed-use building at the southeast area of the Pierside Pavilion site within the Coastal Zone; b) to permit the consumption of alcohol within the restaurant areas; c) to expand the allowable uses originally established by Conditional Use Permit No. 90-37/Coastal Development Permit No. 90-21 and amended by Entitlement Plan Amendment No. 07-001 and Entitlement Plan Amendment No. 11-005 by adding 9,000 sq. ft. retail, 3,000 sq. ft. restaurant and 21,000 sq. ft. office; and, c) to permit shared parking. An amendment to the Owner Participation Agreement (OPA) approved in 2009 is required. **EAX:** To review environmental impacts and determine level of CEQA documentation. **VAR:** To permit a maximum height of 73 ft. and 90 ft. architectural projections in lieu of a maximum of 45 ft. **SPX:** to permit a 5 ft. minimum front yard setback in lieu of a minimum of 15 ft. **DRB:** To review the design, colors, and materials of the remodel for the existing building to remain and proposed building.

The site plan dated May 4, 2012 shall be the conceptually approved design with the following modifications:

1. Revise existing property lines (locations, dimensions and geometry) to accurately portray the subject property and to be consistent with recorded Final Tract Map No. 13722.
2. Accurately dimension all existing and proposed public improvements (i.e. sidewalk widths, curb return radii, bus turnout geometry, curb-to-building face dimensions, driveway width, etc.).



HUNTINGTON BEACH FIRE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: AUGUST 3, 2012

PROJECT NAME: PIERSIDE PAVILION EXPANSION

ENTITLEMENTS: PLANNING APPLICATION NO. 11-131

PROJECT LOCATION: 300 PCH, 92648 (APN: 024-154-17), HUNTINGTON BEACH, CA

PLANNER: ETHAN EDWARDS, ASSOCIATE PLANNER

TELEPHONE/E-MAIL: (714) 536-5561/ Ethan.Edwards@surfcity-hb.org

PLAN REVIEWER-FIRE: JOE MORELLI; FIRE PROTECTION ANALYST

TELEPHONE/E-MAIL: (714) 536-5531/ Joe.Morelli@surfcity-hb.org

PROJECT DESCRIPTION: **CUP/CDP:** A) TO PERMIT AN APPROXIMATELY 27,700 SQ. FT., 4-STORY MIXED-USE BUILDING AT THE SOUTHEAST AREA OF THE PIERSIDE PAVILION SITE WITHIN THE COASTAL ZONE; B) TO PERMIT THE CONSUMPTION OF ALCOHOL WITHIN THE RESTAURANT AREAS; C) TO EXPAND THE ALLOWABLE USES ORIGINALLY ESTABLISHED BY CONDITIONAL USE PERMIT NO. 90-37/COASTAL DEVELOPMENT PERMIT NO. 90-21 AND AMENDED BY ENTITLEMENT PLAN AMENDMENT NO. 07-001 AND ENTITLEMENT PLAN AMENDMENT NO. 11-005 BY ADDING 9,000 SQ. FT. RETAIL, 3,000 SQ. FT. RESTAURANT AND 21,000 SQ. FT. OFFICE; AND, C) TO PERMIT SHARED PARKING. AN AMENDMENT TO THE OWNER PARTICIPATION AGREEMENT (OPA) APPROVED IN 2009 IS REQUIRED. **EAX:** TO REVIEW ENVIRONMENTAL IMPACTS AND DETERMINE LEVEL OF CEQA DOCUMENTATION. **VAR:** TO PERMIT A MAXIMUM HEIGHT OF 73 FT. AND 90 FT. ARCHITECTURAL PROJECTIONS IN LIEU OF A MAXIMUM OF 45 FT. **SPX:** TO PERMIT A 5 FT. MINIMUM FRONT YARD SETBACK IN LIEU OF A MINIMUM OF 15 FT. **DRB:** TO REVIEW THE DESIGN, COLORS, AND MATERIALS OF THE REMODEL FOR THE EXISTING BUILDING TO REMAIN AND PROPOSED BUILDING.

The following is a list of code requirements deemed applicable to the proposed project based on plans received and dated 05/04/12. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided upon final project approval. If you have any questions regarding these requirements, please contact the Plan Reviewer- Fire: JOE MORELLI; FIRE PROTECTION ANALYST.

PRIOR TO DEMOLITION, GRADING, SITE DEVELOPMENT, ISSUANCE OF GRADING PERMITS, BUILDING PERMITS, AND/OR CONSTRUCTION, THE FOLLOWING SHALL BE REQUIRED:

Fire Protection and Life Safety Systems

1. Fire Alarms

Fire Alarm System is required. For Fire Department approval, shop drawings shall be submitted to the Fire Department as separate plans for permits and approval. For Fire Department approval, reference and demonstrate compliance with CFC, Chapter 9 on the plans. A C-10 electrical contractor, certified in fire alarm systems, must certify the system is operational annually. (FD)

2. Fire Sprinklers

Automatic Fire Sprinklers are required. NFPA13 Automatic fire sprinkler systems are required per Huntington Beach Fire Code. Separate plans (two sets) shall be submitted to the Fire Department for permits and approval. The system shall provide water flow, tamper and trouble alarms, manual pull stations, interior and exterior horns and strobes, 24-hour central station monitoring, and any other features required for a High-Rise Building.

For Fire Department approval, reference that a fire sprinkler system will be installed in compliance with the Huntington Beach Fire Code, NFPA 13, and City Specification # 420 - *Automatic Fire Sprinkler Systems* in the plan notes.

NOTE: When buildings under construction are more than one (1) story in height and required to have automatic fire sprinklers, the fire sprinkler system shall be installed and operational to protect all floors lower than the floor currently under construction. Fire sprinkler systems for the current floor under construction shall be installed, in-service, inspected and approved prior to beginning construction on the next floor above. (FD)

Fire Department Connections (FDC) to the automatic fire sprinkler systems shall be located to the front of the building, at least 25 feet from and no farther than 150 feet of a properly rated fire hydrant. (FD)

Standpipes (2 ½" NFH connections) are required in accordance with CFC Section 905. The standpipe system in stairwells cannot protrude into, impede, or compromise the H.B.B.C. "Exit Width" requirements. For Fire Department approval, reference and portray standpipes at each stairway in the plan notes. (FD)

3. High-Rise Building Requirements

High-Rise Building Requirements from the California Fire and Building Codes, and from the Huntington Beach Municipal code shall be adhered to. Some of the requirements for High-Rise Buildings include, but are not limited to the following:

- Fire Control Room per CFC Section 508 and CBC Section 911
- Special Detailed Requirements from CBC Section 403 and CFC Sections 914.3.1 – 914.3.6
- Fire Pump Requirements from CFC Section 913 and 914.3
- Huntington Beach Municipal Code Section 17.56.250 and 17.56.260
- Fire Safety and Evacuation Plans are required per CFC Section 404

4. **Emergency Responder Radio Coverage.** All buildings shall have approved radio coverage for emergency responders within the building in accordance with CFC Section 510.
5. **Fire Flow Requirements.** Fire Hydrants and Fire Flow shall be provided in accordance with City Specification #407 and Appendix B and C of the California Fire Code.
6. **Other:**

Fire Extinguishers shall be installed and located in all areas to comply with Huntington Beach Fire Code standards found in *City Specification #424*. The minimum required dry chemical fire extinguisher size is 2A 10BC and shall be installed within 75 feet travel distance to all portions of the building. Extinguishers are required to be serviced or replaced annually. (FD)

Commercial Food Preparation Fire Protection System required for commercial cooking. Plans (two sets) shall be submitted to the Fire Department as separate plans for permits and approval. Reference compliance with *City Specification # 412 Protection Of Commercial Cooking Operations* in the plan notes. (FD)

Fire Department Access

1. **Fire Lanes** - The Fire Department review of the plan included a site visit and evaluation of the Fire Lanes called out on the plan.
 - a. The clear width of the existing Fire Lane is shown as 24 ½' on the plan, but the actual width currently provided is 17' clear (from the existing structure to the planter boxes and grass). The rooftop deck would make the proposed structure the highest at the property in regards to distance above the lowest level of Fire Department Access to lowest level of the occupied floor (roof deck). This presents additional challenges to the Fire Department's Access.
 - b. The proposed 4 story structure with the rooftop deck will hinder the Fire Department's Aerial Ladder Access to the existing 4 story structure (south side), which will make prompt rescue difficult and will lessen the probability of fighting a fire in upper stories from the exterior.
 - c. The new structure will require a Fire Department Connection on the P.C.H. side, and Fire Hydrant's need to be strategically placed to allow connecting to the hydrant and then to the Fire Department Connection without Fire Apparatus having to drive over hose. Since the existing Fire Hydrant is on one side of the Fire Lane, and the F.D.C. would be needed on the building side, then an additional hydrant off PCH would be needed (on the building side of the fire lane).

Since the building qualifies as a High-Rise Building, the issues above can be mitigated by compliance with the High-Rise requirements in the California Fire and Building Codes and the Huntington Beach Municipal Code.

2. **Main Secured Building Entries** shall utilize a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. Please contact the Huntington Beach Fire Department Administrative Office at (714) 536-5411 for information. Reference compliance with City Specification #403 - KNOX® Fire Department Access in the building plan notes. (FD)
3. **Fire Sprinkler System Controls** access shall be provided, utilizing a KNOX® Fire Department Access Key Box, installed and in compliance with City Specification #403, Fire Access for Pedestrian or Vehicular Security Gates & Buildings. The approximate location of the system controls shall be noted on the plans. Reference compliance in the plan notes. (FD)
4. **Elevators** shall be sized to accommodate an ambulance gurney. Minimum interior dimensions are 7 feet (84") wide by 4 feet 3 inches (51") deep. Minimum door opening dimensions are 3 feet 6 inches (42") wide right or left side opening. Center opening doors require a 4 feet 6 inches (54") width. For Fire Department approval, reference and demonstrate compliance on the building plans. HBBC 3002.4 (FD)

5. Addressing and Street Names

Structure or Building Address Assignments. The Planning Department shall review and make address assignments. The individual dwelling units shall be identified with numbers per City Specification # 409 Street Naming and Address Assignment Process. For Fire Department approval, reference compliance with City Specification #409 Street Naming and Address Assignment Process in the plan notes. (FD)

GIS Mapping Information

- a. **GIS Mapping Information** shall be provided to the Fire Department in compliance with GIS Department CAD Submittal Guideline requirements. Minimum submittals shall include the following:
 - Site plot plan showing the building footprint.
 - Specify the type of use for the building
 - Location of electrical, gas, water, sprinkler system shut-offs.
 - Fire Sprinkler Connections (FDC) if any.
 - Knox Access locations for doors, gates, and vehicle access.
 - Street name and address.

Final site plot plan shall be submitted in the following digital format and shall include the following:

- Submittal media shall be via CD rom to the Fire Department.
- Shall be in accordance with County of Orange Ordinance 3809.
- File format shall be in .shp, AutoCAD, AUTOCAD MAP (latest possible release) drawing file - .DWG (preferred) or Drawing Interchange File - .DXF.
- Data should be in NAD83 State Plane, Zone 6, Feet Lambert Conformal Conic Projection.
- Separate drawing file for each individual sheet.
In compliance with Huntington Beach Standard Sheets, drawing names, pen colors, and layering convention. and conform to *City of Huntington Beach Specification # 409 – Street Naming and Addressing*.

For specific GIS technical requirements, contact the Huntington Beach GIS Department at (714) 536-5574.

For Fire Department approval, reference compliance with *GIS Mapping Information* in the building plan notes. **(FD)**

Other: THE FOLLOWING CONDITIONS SHALL BE MAINTAINED DURING CONSTRUCTION:

- a. Fire/Emergency Access And Site Safety shall be maintained during project construction phases in compliance with HBFC Chapter 14, Fire Safety During Construction And Demolition. **(FD)**
- b. Outside City Consultants The Fire Department review of this project and subsequent plans may require the use of City consultants. The Huntington Beach City Council approved fee schedule allows the Fire Department to recover consultant fees from the applicant, developer or other responsible party. **(FD)**

Fire Department City Specifications may be obtained at:

Huntington Beach Fire Department Administrative Office

City Hall 2000 Main Street, 5th floor

Huntington Beach, CA 92648

or through the City's website at **www.surfcity-hb.org**

If you have any questions, please contact the Fire Prevention Division at (714) 536-5411.



HUNTINGTON BEACH PLANNING DIVISION

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: MARCH 28, 2012

PROJECT NAME: PIERSIDE PAVILION EXPANSION

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 11-131

ENTITLEMENTS: CDP 11-012, CUP 11-021, DRB 11-015, VAR 11-005, EAX 11-007

DATE OF PLANS: AUGUST 4, 2011

PROJECT LOCATION: 300 PCH, 92648 (APN: 024-154-17)

PLAN REVIEWER: ETHAN EDWARDS

TELEPHONE/E-MAIL: (714) 536-5561, ETHAN.EDWARDS@SURFCITY-HB.ORG

PROJECT DESCRIPTION: **CUP/CDP:** a) To permit an approximately 27,700 sq. ft., 4-story mixed-use building at the southeast area of the Pierside Pavilion site within the Coastal Zone; b) to permit the consumption of alcohol within the restaurant areas; c) to expand the allowable uses originally established by Conditional Use Permit No. 90-37/Coastal Development Permit No. 90-21 and amended by Entitlement Plan Amendment No. 07-001 and Entitlement Plan Amendment No. 11-005 by adding 9,000 sq. ft. retail, 3,000 sq. ft. restaurant and 21,000 sq. ft. office; and, c) to permit shared parking. An amendment to the Owner Participation Agreement (OPA) approved in 2009 is required. **EAX:** To review environmental impacts and determine level of CEQA documentation. **VAR:** To permit a maximum height of 73 ft. and 90 ft. architectural projections in lieu of a maximum of 45 ft. **SPX:** to permit a 5 ft. minimum front yard setback in lieu of a minimum of 15 ft. **DRB:** To review the design, colors, and materials of the remodel for the existing building to remain and proposed building.

The following is a list of code requirements deemed applicable to the proposed project based on plans stated above. The list is intended to assist the applicant by identifying requirements which must be satisfied during the various stages of project permitting and implementation. A list of conditions of approval adopted by the Planning Commission in conjunction with the requested entitlement(s), if any, will also be provided should final project approval be received. If you have any questions regarding these requirements, please contact the Plan Reviewer.

1. All exterior mechanical equipment shall be screened from view on all sides. Rooftop mechanical equipment shall be setback a minimum of 15 feet from the exterior edges of the building. Equipment to be screened includes, but is not limited to, heating, air conditioning, refrigeration equipment,

plumbing lines, ductwork and transformers. Said screening shall be architecturally compatible with the building in terms of materials and colors. If screening is not designed specifically into the building, a rooftop mechanical equipment plan showing proposed screening must be submitted for review and approval with the application for building permit(s). **(HBZSO Section 230.76)**

2. The site plan and elevations shall include the location of all gas meters, water meters, electrical panels, air conditioning units, mailboxes (as approved by the United States Postal Service), and similar items. If located on a building, they shall be architecturally integrated with the design of the building, non-obtrusive, not interfere with sidewalk areas and comply with required setbacks. **(HBZSO Section 230.76)**
3. Bicycle parking facilities shall be provided in accordance with the provisions of the DTSP Section 3.2.26.5 – *Bicycle Spaces Required*. **(DTSP Section 3.2.26.5)**
4. Prior to issuance of demolition permits, the following shall be completed:
 - a. The applicant shall follow all procedural requirements and regulations of the South Coast Air Quality Management District (SCAQMD) and any other local, state, or federal law regarding the removal and disposal of any hazardous material including asbestos, lead, and PCB's. These requirements include but are not limited to: survey, identification of removal methods, containment measures, use and treatment of water, proper truck hauling, disposal procedures, and proper notification to any and all involved agencies. **(AQMD Rule 1403)**
 - b. Pursuant to the requirements of the South Coast Air Quality Management District, an asbestos survey shall be completed. **(AQMD Rule 1403)**
 - c. The applicant shall complete all Notification requirements of the South Coast Air Quality Management District. **(AQMD Rule 1403)**
 - d. The City of Huntington Beach shall receive written verification from the South Coast Air Quality Management District that the Notification procedures have been completed. **(AQMD Rule 1403)**
 - e. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk). **(CEQA Categorical Exemption Section 15304)**
5. Prior to issuance of grading permits, the following shall be completed:
 - a. A Landscape and Irrigation Plan, prepared by a Licensed Landscape Architect shall be submitted to the Planning and Building Department for review and approval. **(HBZSO Section 232.04)**
 - b. Existing mature trees that are to be removed must be replaced at a 2 for 1 ratio with a 36" box tree or palm equivalent (13'-14' of trunk height for Queen Palms and 8'-9' of brown trunk). **(CEQA Categorical Exemption Section 15304)**
 - c. "Smart irrigation controllers" and/or other innovative means to reduce the quantity of runoff shall be installed. **(HBZSO Section 232.04.D)**
 - d. Standard landscape code requirements apply. **(HBZSO Chapter 232)**
 - e. All landscape planting, irrigation and maintenance shall comply with the City Arboricultural and

Landscape Standards and Specifications. (HBZSO Section 232.04.B)

6. Prior to issuance of building permits, the following shall be completed:

- a. A planned sign program for all signage shall be submitted to the Planning Department. Said program shall be approved prior to the first sign request. (HBZSO Section 233.04.B)
- b. The Downtown Specific Plan fee shall be paid. (*for new construction in the Downtown Specific Plan (SP-5) area*) (Resolution No. 5328)
- c. A Mitigation Monitoring Fee for ~~[negative declarations]~~ [mitigated negative declarations] [EIR's], shall be paid to the Planning & Building Department pursuant to the fee schedule adopted by resolution of the City Council. (*City of Huntington Beach Planning & Building Department Fee Schedule*)
- d. All new commercial and industrial development and all new residential development not covered by Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance, except for mobile home parks, shall pay a park fee, pursuant to the provisions of HBZSO Section 230.20 – *Payment of Park Fee*. The fees shall be paid and calculated according to a schedule adopted by City Council resolution. (*City of Huntington Beach Planning & Building Department Fee Schedule*)

7. During demolition, grading, site development, and/or construction, the following shall be adhered to:

- a. Existing street tree(s) to be inspected by the City Inspector during removal of concrete and prior to replacement thereof. Tree replacement or root/tree protection, will be specified upon the inspection of the root system. (Resolution No. 4545)
- b. All Huntington Beach Zoning and Subdivision Ordinance and Municipal Code requirements including the Noise Ordinance. All activities including truck deliveries associated with construction, grading, remodeling, or repair shall be limited to Monday - Saturday 7:00 AM to 8:00 PM. Such activities are prohibited Sundays and Federal holidays. (HBMC 8.40.090)

8. The final building permit(s) cannot be approved until the following has been completed:

- a. Complete all improvements as shown on the approved grading, landscape and improvement plans. (HBMC 17.05)
- b. All trees shall be maintained or planted in accordance to the requirements of Chapter 232. (HBZSO Chapter 232)
- c. All landscape irrigation and planting installation shall be certified to be in conformance to the City approved landscape plans by the Landscape Architect of record in written form to the City Landscape Architect. (HBZSO Section 232.04.D)
- d. The provisions of the Water Efficient Landscape Requirements shall be implemented. (HBMC 14.52)

9. Outdoor storage and display of merchandise, materials, or equipment, including display of merchandise, materials, and equipment for customer pick-up, shall be subject to approval of Conditional Use Permit. **(HBZSO Section 230.74)**
10. The Development Services Departments (Building & Safety, Fire, Planning and Public Works) shall be responsible for ensuring compliance with all applicable code requirements and conditions of approval. The Director of Planning may approve minor amendments to plans and/or conditions of approval as appropriate based on changed circumstances, new information or other relevant factors. Any proposed plan/project revisions shall be called out on the plan sets submitted for building permits. Permits shall not be issued until the Development Services Departments have reviewed and approved the proposed changes for conformance with the intent of the Planning Commission's /Zoning Administrator's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the Planning Commission /Zoning Administrator may be required pursuant to the provisions of HBZSO Section 241.18. **(HBZSO Section 241.18)**
11. The Planning Commission reserves the right to revoke *CUP No. 11-021, CDP No. 11-012, EPA No. 11-007, VAR No. 11-005, and SPP No. 11-002* pursuant to a public hearing for revocation, if any violation of the conditions of approval, Huntington Beach Zoning and Subdivision Ordinance or Municipal Code occurs. **(HBZSO Section 241.16.D)**
12. The project shall comply with all applicable requirements of the Municipal Code, Building & Safety Department and Fire Department, as well as applicable local, State and Federal Fire Codes, Ordinances, and standards, except as noted herein. **(City Charter, Article V)**
13. Construction shall be limited to Monday – Saturday 7:00 AM to 8:00 PM. Construction shall be prohibited Sundays and Federal holidays. **(HBMC 8.40.090)**
14. All landscaping shall be maintained in a neat and clean manner, and in conformance with the HBZSO. Prior to removing or replacing any landscaped areas, check with the Departments of Planning & Building and Public Works for Code requirements. Substantial changes may require approval by the Planning Commission. **(HBZSO Section 232.04)**
15. All permanent, temporary, or promotional signs shall conform to Chapter 233 of the HBZSO. Prior to installing any new signs, changing sign faces, or installing promotional signs, applicable permit(s) shall be obtained from the Planning Department. Violations of this ordinance requirement may result in permit revocation, recovery of code enforcement costs, and removal of installed signs. **(HBZSO Chapter 233)**
16. Live entertainment and/or outdoor dining in excess of 400 sq. ft. shall not be permitted unless a conditional use permit for this specific use is reviewed and approved. Outdoor dining occupying less than 400 sq. ft. is subject to Neighborhood Notification and approval by the Director of Planning & Building. **(HBZSO Section 211.04)**
17. Alcoholic beverage sales shall be prohibited unless a conditional use permit for this particular use is reviewed and approved. **(HBZSO Section 211.04)**



HUNTINGTON BEACH ECONOMIC DEVELOPMENT DEPARTMENT PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: FEBRUARY 14, 2012
PROJECT NAME: PIERSIDE PAVILION EXPANSION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 11-131
ENTITLEMENTS: CDP 11-012, CUP 11-021, DRB 11-015, VAR 11-005, EAX 11-007
DATE OF PLANS: AUGUST 4, 2011
PROJECT LOCATION: 300 PCH, 92648 (APN: 024-154-17)
PLAN REVIEWER: LUIS GOMEZ, ECONOMIC DEVELOPMENT PROJECT MANAGER
TELEPHONE/E-MAIL: (714) 536-5544, LUIS.GOMEZ@SURFCITY-HB.ORG
PROJECT DESCRIPTION: **CUP/CDP:** a) To permit an approximately 27,700 sq. ft., 4-story mixed-use building at the southeast area of the Pierside Pavilion site within the Coastal Zone; b) to permit the consumption of alcohol within the restaurant areas; c) to expand the allowable uses originally established by Conditional Use Permit No. 90-37/Coastal Development Permit No. 90-21 and amended by Entitlement Plan Amendment No. 07-001 and Entitlement Plan Amendment No. 11-005 by adding 9,000 sq. ft. retail, 3,000 sq. ft. restaurant and 21,000 sq. ft. office; and, c) to permit shared parking. An amendment to the Owner Participation Agreement (OPA) approved in 2009 is required. **EAX:** To review environmental impacts and determine level of CEQA documentation. **VAR:** To permit a maximum height of 73 ft. and 90 ft. architectural projections in lieu of a maximum of 45 ft. **SPX:** to permit a 5 ft. minimum front yard setback in lieu of a minimum of 15 ft. **DRB:** To review the design, colors, and materials of the remodel for the existing building to remain and proposed building.

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CODE REQUIREMENTS:

1. Prior to issuance of building permits, the Owner Participation Agreement by and between Redevelopment Agency of the City of Huntington Beach, and Pierside Pavilion must be amended to reflect the entitlement plan amendment.



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS AND RECOMMENDED CONDITIONS

DATE: 10-27-11
PROJECT NAME: PIERSIDE PAVILION CART EXPANSION
PLANNING APPLICATION NO. PLANNING APPLICATION NO. 11-131
ENTITLEMENTS: CONDITIONAL USE PERMIT NO. 11-021
DATE OF PLANS: OCTOBER 11, 2011
PROJECT LOCATION: 300 PACIFIC COAST HIGHWAY (APN: 024-154-17)
PLAN REVIEWER: ARVAR W. ELKINS III, POLICE OFFICER
TELEPHONE/E-MAIL: 714-960-8825
PROJECT DESCRIPTION: To Permit approximately 27,700 sq. ft., 4-story building at the southwest area of the Pierside Pavilion.

The Police Department's CPTED recommendations are intended to assist in the creation and maintenance of a built environment that decreases the opportunity for crime and increases the perception of public safety.

LIGHTING:

Adequate lighting of Pier Plaza and the contiguous grounds to the building shall be provided with enough lighting of sufficient wattage to provide adequate illumination to make clearly visible the presence of any person on or about the premises during the hours of darkness and provide a safe secure environment for all persons and property.

Use security-focused, rather than aesthetically pleasing, lighting that enables pedestrians to see clearly and to identify potential threats at night. For example, high or low pressure sodium vapor lights can provide evenly distributed lighting that reduces patches of darkness at the ground level and enables the human eye to pick up details, with reduced energy consumption.

NATURAL SURVEILLANCE

Fully illuminate all doorways that open to the outside.

The front door to the building should be at least partially visible from the street.

Install windows on all sides of the building to provide full visibility of the property.

Construct elevators and stairwells to be open and well-lighted, not enclosed behind solid walls.

Provide appropriate illumination to doorways that open to the outside and sidewalks.

Select and install appropriate landscaping that will allow unobstructed views of vulnerable doors and windows from the street and other properties. Avoid landscaping that might create blind spots.

Ensure signs in the front windows of businesses and commercial storefronts do not cover the windows or block necessary views of the exterior space.

Position restrooms in office buildings to be visible from nearby offices.

Keep dumpsters visible and avoid creating blind spots or hiding places, or place them in secured corrals or garages

KIOSKS and ADJOINING SIDEWALK

A minimum of 8' feet between each kiosk shall be maintained at all times. This applies to each kiosk whether they are parallel, perpendicular or angled to the adjacent street. This is to maintain the safety of the occupants of the permanent businesses and for the Officers responding to those businesses.

There should be a way to differentiate the sidewalk and the property line, i.e. different design in the cement or different colored cement. This shows the public where the sidewalk ends and the property of the businesses begins.

I do not feel the proposed planter and cement bench that runs parallel to the north curb line of PCH allows for adequate space for pedestrian foot traffic. With the purposed planter, bench and expansion of Pier Plaza nearly the entire sidewalk is blocked in the area of the expansion.

SECURITY SYSTEMS:

Silent or audible alarm systems shall be installed.

A comprehensive security alarm systems should be provided form the following:

- Perimeter building and access route protection
- High valued storage areas
- Interior building door to shipping and receiving area
- Any security gating

CCTV security cameras are recommended, covering the following areas:

- Lobby entrances
- Building perimeter
- Shipping and receiving areas
- Parking structure
- Exterior entrance
- Stairwells
- Interior halls

ROOF TOP TERRACE

A minimum 6' wall comprised of solid material and or glass shall surround the perimeter of the terrace.

At this time, the intended use of the terrace is undecided and I am unable to make any further specific design recommendations.



HUNTINGTON BEACH BUILDING DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: August 2, 2012

PROJECT NAME: PIERSIDE PAVILION EXPANSION

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 11-131

ENTITLEMENTS: CDP 11-012, CUP 11-021, DRB 11-015, VAR 11-005, EAX 11-007

DATE OF PLANS: MAY 4, 2012

PROJECT LOCATION: 300 PCH, 92648 (APN: 024-154-17)

PLAN REVIEWER: KHOA DUONG, PE

TELEPHONE/E-MAIL: (714) 872-6123, KHOA@CSGENGR.COM

PROJECT DESCRIPTION: **CUP/CDP:** a) To permit an approximately 27,700 sq. ft., 4-story mixed-use building at the southeast area of the Pierside Pavilion site within the Coastal Zone; b) to permit the consumption of alcohol within the restaurant areas; c) to expand the allowable uses originally established by Conditional Use Permit No. 90-37/Coastal Development Permit No. 90-21 and amended by Entitlement Plan Amendment No. 07-001 and Entitlement Plan Amendment No. 11-005 by adding 9,000 sq. ft. retail, 3,000 sq. ft. restaurant and 21,000 sq. ft. office; and, c) to permit shared parking. An amendment to the Owner Participation Agreement (OPA) approved in 2009 is required. **EAX:** To review environmental impacts and determine level of CEQA documentation. **VAR:** To permit a maximum height of 73 ft. and 90 ft. architectural projections in lieu of a maximum of 45 ft. **SPX:** to permit a 5 ft. minimum front yard setback in lieu of a minimum of 15 ft. **DRB:** To review the design, colors, and materials of the remodel for the existing building to remain and proposed building.

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CODE REQUIREMENTS:

I. SPECIAL CONDITIONS:

1. None

II. CODE ISSUES BASED ON PLANS & DRAWINGS SUBMITTED:

1. Project shall comply with the current state building codes adopted by the City at the time of permit application submittal. Currently they are 2010 California Building Code (CBC), 2010 California Mechanical Code (CMC), 2010 California Plumbing Code (CPC), 2010 California Electrical Code (CEC), 2010 California Energy Code, 2010 California Green Building Standards and The Huntington Beach Municipal Code (HBMC). Compliance to all applicable state and local codes is required prior to issuance of building permit.
2. Provide building code analysis including type of construction, allowable area and height, occupancy group requirements per the 2010 of CBC.
 - a. Submit building analyses to ascertain building sizes, construction types, set back, and frontage issues to be used in justifying building areas. All submittals to date do not have this information which is critical for project of this magnitude.
 - b. For mixed use and occupancy, please see section 508 for specific code parameters in addition to those applicable sections found elsewhere in the code.
 - c. For openings in exterior walls, please comply with Table 705.8.
 - d. For elevators please see section 708.14 and chapter 30.
3. Submit egress plans to show how they comply with Chapter 10 of 2010 CBC.
 - a. Provide occupant load calculations showing the occupant loads in each area/each floor.
 - b. Provide calculations for the required width of exit doors, corridors, exit passageway, and stairways.
 - c. Show the exit paths of travel and the distances of travel.
 - d. Show location of exit corridors, exit passageways and exit enclosures.
 - e. Fire and smoke protection features must comply with Chapter 7 of 2010 CBC.
 - f. The exit enclosure shall comply with Section 1022.
 - g. The elevator doors cannot open into the exit enclosure.
 - h. Accessible means of egress shall comply with Section 1007 of 2010 CBC.
4. Provide compliance to disabled accessibility requirements of Chapter 11B of 2010 CBC.
5. Type I hood exhaust to be minimum 40" from top of floor/roof.
6. Type I hood exhaust to terminate a minimum five foot from vertical surface.
7. Please contact me or our office to review preliminary code analyses to examine any possible building code issue that may arise.

III. COMMENTS:

1. In addition to all of the code requirements of the 2010 California Green Building Standards Code, specifically provide a Construction Waste Management Plan per Sections 4.408.2 and 5.408.1.1.
2. Planning and Building Department encourage the use of pre submittal zoning applications and building plan check meetings.



HUNTINGTON BEACH POLICE DEPARTMENT

PROJECT IMPLEMENTATION CODE REQUIREMENTS

DATE: August 5, 2012, 2011

PROJECT NAME: PIERSIDE PAVILION EXPANSION

PLANNING APPLICATION NO. PLANNING APPLICATION NO. 11-131

ENTITLEMENTS: CDP 11-012, CUP 11-021, DRB 11-015, VAR 11-005, EAX 11-007

DATE OF PLANS: AUGUST 4, 2011

PROJECT LOCATION: 300 PCH, 92648 (APN: 024-154-17)

PLAN REVIEWER: STEVEN FONG, DETECTIVE

TELEPHONE/E-MAIL: (714) 536-5960, SFONG@HBPD.ORG

PROJECT DESCRIPTION: **CUP/CDP:** a) To permit an approximately 27,700 sq. ft., 4-story mixed-use building at the southeast area of the Pierside Pavilion site within the Coastal Zone; b) to permit the consumption of alcohol within the restaurant areas; c) to expand the allowable uses originally established by Conditional Use Permit No. 90-37/Coastal Development Permit No. 90-21 and amended by Entitlement Plan Amendment No. 07-001 and Entitlement Plan Amendment No. 11-005 by adding 9,000 sq. ft. retail, 3,000 sq. ft. restaurant and 21,000 sq. ft. office; and, d) to permit shared parking. An amendment to the Owner Participation Agreement (OPA) approved in 2009 is required. **EAX:** To review environmental impacts and determine level of CEQA documentation. **VAR:** To permit a maximum height of 73 ft. and 90 ft. architectural projections in lieu of a maximum of 45 ft. **SPX:** to permit a 5 ft. minimum front yard setback in lieu of a minimum of 15 ft. **DRB:** To review the design, colors, and materials of the remodel for the existing building to remain and proposed building.

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The Police Department believes the requested modifications will significantly affect the quality of life for the local residents by creating public nuisances and adding to the already congested Downtown Area. It should be noted that the two Reporting Districts (451 & 461) for the Downtown Business District show

ATTACHMENT NO. 4.25

the highest crimes rates in the city. The Downtown Business District is also designated by the California Alcohol Beverage Control as an area that is oversaturated with ABC licenses.

To preserve the current atmosphere and to reduce the likelihood of disturbances created by intoxicated patrons, reduce noise disturbances and to reduce the risk of minors obtaining alcoholic beverages, the police department recommends the following conditions be applied to the proposed Conditional Use Permit.

1. There shall be no public or private use of the proposed rooftop by anyone other than in conjunction with an approved 2-story restaurant and maintenance personnel for the purpose of maintaining or repairing the building.
2. Any existing ABC licensed establishment that has a current CUP and resides within the Pierside Pavilion property shall separately amend their current CUP before expanding their business. Any CUP amendments shall include security plans, locations where alcohol is permitted, and types and permitted areas of allowed entertainment.
3. Any new business to the Pierside Pavilion that will serve alcohol under an ABC issued license shall apply for a separate CUP outside of the Pierside Pavilion CUP. This will allow the Police Department to apply specific conditions regarding security, entertainment, and approved areas for alcohol service.
4. The applicant shall employ a video surveillance security system and a one-month video library. The minimum requirements for the cameras will be: color, digital recording to DVR and able to record in low light. The Pierside Pavilion shall ensure all entrances, exits and perimeter areas are covered by video surveillance. Electronic copies of video must be made available to the Huntington Beach Police Department within 24 hours of request. Digital recordings shall be made available for viewing on-scene upon request by police officers conducting investigations.
5. In addition to the above listed conditions, all applicable conditions contained in City Council Resolution 2010-05 (Standard Conditions for Eating and Drinking Establishments-Downtown District One) shall be required. If there is a conflict between this entertainment permit and the City Council resolution, the more stringent requirement shall apply.
6. Due to volume of people already utilizing the current businesses within the existing building, the current number of ABC licenses, the crime rate directly related to the existing businesses within the building (including assaults, DUI's, overly intoxicated subjects, and thefts), the Pierside Pavilion shall provide additional security for the building and adjacent parking areas utilized by Pierside Pavilion businesses. The number of required security officers shall be determined by the Police Department upon completion of the project. The number of required security officers may change at the discretion of the Police Department based on crime rates, number of patrons visiting the Pierside Pavilion, types of businesses, and hours of operations for the businesses.
7. The Police Department may require the Pierside Pavilion to provide additional security for the building and adjacent parking structures during Special Events, such as the 4th of July and the US Open of Surfing.

**CITY OF HUNTINGTON BEACH
PLANNING & BUILDING DEPARTMENT
DRAFT MITIGATED NEGATIVE DECLARATION NO. 11-007**

- 1. PROJECT TITLE:** Pierside Pavilion Expansion
- Concurrent Entitlements:** Coastal Development Permit No. 11-012, Conditional Use Permit No. 11-021, Entitlement Plan Amendment No. 11-007, Variance No. 11-005, Design Review No. 11-015
- 2. LEAD AGENCY:** City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648
- Contact:** Ethan Edwards, Associate Planner
Phone: (714) 536-5561
- 3. PROJECT LOCATION:** 300 Pacific Coast Highway, 92648 (northeast corner of Pacific Coast Highway and Main Street)
- 4. PROJECT PROPONENT:** Michael Adams
Michael C. Adams Associates
P.O. Box 382
Huntington Beach, CA 92648
- Contact Person:** Michael Adams
Phone: (714) 374-5678
- 5. GENERAL PLAN DESIGNATION:** M->30-sp-pd (Mixed Use – specific plan overlay – design overlay – pedestrian overlay)
- 6. ZONING:** SP5-CZ (Specific Plan No. 5 – District 1 – Coastal Zone)
- 7. PROJECT DESCRIPTION:**
The project proposes to modify and expand the existing Pierside Pavilion development. The site is currently developed with a 4-story, 90 foot high, mixed use building consisting of approximately 89,415 sq. ft. of retail, restaurant and office uses; and 296 parking spaces within two subterranean levels with access from Walnut Avenue. The site consists of one lot with a total gross lot area of approximately 76,650 sq. ft.
- The project proposes to demolish approximately 400 sq. ft. of the existing structure including an elevator shaft and two stairwells; and construct a connecting four-story, 90 foot high, approximately 27,772 square foot mixed-use, visitor serving/office building and 9,401 sq. ft. infill expansion by extending existing storefronts. The table below describes the existing area, proposed infill area, new building area, and total area for the project:

Pierside Pavilion Square Footage				
	Existing S.F.	Proposed Infill S.F.	New Building S.F.	Total S.F.
Retail	15,406	4,501	5,526	25,433
Office	54,182*	3,323*	18,118	74,501
Restaurant	19,829	1,577	4,128	26,654
TOTAL	89,415	9,401	27,772	126,588

*includes 400 sq. ft. demo area

The project proposes to expand the allowable uses within the Pierside Pavilion development from the previously approved limits established by Entitlement Plan Amendment No. 07-01 by adding 10,527 sq. ft. of retail, 5,705 sq. ft. of restaurant, and 21,441 sq. ft. of office. Retail area is proposed on the first level facing the perimeter of the building and office space is located behind or within the interior portions of the first level. Restaurant area is proposed on the second level and additional office areas are proposed on the third and fourth levels. Approximately 3,069 sq. ft. of outdoor terraces are proposed on the second and third levels; and approximately 6,146 sq. ft. of outdoor dining is proposed on the second floor and rooftop deck. Parking will be provided within an existing two-level subterranean parking garage including 296 parking spaces on-site and share up to 234 parking spaces in the Municipal parking structure located at 200 Main Street.

The project includes a variance request to allow a height of 68 feet (plus up to 90 feet for mechanical housing) for the new, expanded portion of the building in lieu of the maximum of 45 feet. Also, an entitlement plan amendment to amend Conditional Use Permit No. 10-017 is proposed to modify the location of the existing retail carts on public and private property.

Construction Scenario

The project will be constructed in three overlapping phases over an approximately 12 month period with all existing businesses to remain open. Phase I includes the construction of an elevator tower to service the existing and proposed building areas. During the above ground construction of the tower, work will continue in the lower level of the parking structure preparing column footings via the use of "Helical" piers, which will be installed using a small bobcat drill rig. The entire work of this phase will continue for approximately four months, with two months of this time devoted to constructing the elevator within the new tower.

Phase II will commence with the demolition of the existing tower and stairs and the placement of steel columns and beams. This portion will require coring 24" diameter holes through the roof and floor of the first level of the parking structure. The parking structure will continue to operate during construction; however some existing parking spaces may be temporarily unavailable. The property currently shares up to 300 parking spaces within the adjacent municipal parking structure located at 200 Main Street and adequate alternative parking will be provided at this location when existing on-site parking spaces are unavailable. Setting of the steel structure will continue over the course of two months. Following setting of the steel, the interior fireproofing, roofing, exterior cladding, and glass and glazing will commence over the course of an additional two months. The entire Phase II will encompass seven months of construction time with the use of an on-site crane/hoist and scaffolding to accomplish interior and exterior construction.

Phase III will commence upon completion of the addition with renovations to the walkways along PCH and the alleyway adjacent to Pier Colony; and the renovations to the stairwell at Main Street. Following the completion of this work, the storefronts along Main and PCH will be extended further

to the 'drip line'; and minor cosmetic changes will be made to the building, including: painting of the entire building, painting the glazing metals to match the new addition, patching and repairing stucco, and upgrading the lighting systems and landscape around the property. All of which will require the use of scaffolding and/or lifts. This phase will continue for three months.

Grading operations will be minimal since the site is currently developed; however the walkway along PCH will require approximately 100 yards of import to transition onto existing grade. All site work and hardscape will include approximately 250 yards of concrete; and the building expansion/addition will require approximately 400 yards of concrete. The entire project will require the use of concrete saws, cranes, forklifts, 'boom' lifts, air compressors, stucco equipment, small grading equipment, concrete pumps, monokote equipment, air compressors, and small tools.

8. SURROUNDING LAND USES AND SETTING:

The project site is located at the northeast corner of Pacific Coast Highway and Main Street. Retail/restaurant/parking structure uses exist to the north (across Walnut Avenue), multi-family residential (Pier Colony) adjacent to the east, municipal pier/restaurants/beach to the south (across Pacific Coast Highway), and retail/office to the west (across Main Street).

9. OTHER PREVIOUS RELATED ENVIRONMENTAL DOCUMENTATION:

The expansion of Pierside Pavilion was included as part of the maximum development thresholds analyzed as part the DTSP Program EIR No. 08-001 (CA State Clearinghouse No. 2008111024). The project's proposed mix of uses (retail, restaurant, and office) falls within the maximum allowed square footage for each land use category as anticipated by the DTSP program EIR.

10. OTHER AGENCIES WHOSE APPROVAL IS REQUIRED (AND PERMITS NEEDED) (i.e. permits, financing approval, or participating agreement):

Encroachment Permit is required from Cal Trans.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project, involving at least one impact that is a "Potentially Significant Impact" or is "Potentially Significant Unless Mitigated," as indicated by the checklist on the following pages.

- | | | |
|--|--|---|
| <input type="checkbox"/> Land Use / Planning | <input type="checkbox"/> Transportation / Traffic | <input type="checkbox"/> Public Services |
| <input type="checkbox"/> Population / Housing | <input checked="" type="checkbox"/> Biological Resources | <input type="checkbox"/> Utilities / Service Systems |
| <input type="checkbox"/> Geology / Soils | <input type="checkbox"/> Mineral Resources | <input type="checkbox"/> Aesthetics |
| <input type="checkbox"/> Hydrology / Water Quality | <input type="checkbox"/> Hazards and Hazardous Materials | <input type="checkbox"/> Cultural Resources |
| <input type="checkbox"/> Air Quality | <input type="checkbox"/> Noise | <input type="checkbox"/> Recreation |
| <input type="checkbox"/> Agriculture Resources | <input type="checkbox"/> Greenhouse Gas Emissions | <input type="checkbox"/> Mandatory Findings of Significance |

DETERMINATION

(To be completed by the Lead Agency)

On the basis of this initial evaluation:

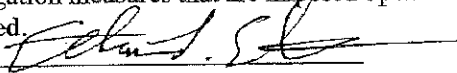
I find that the proposed project **COULD NOT** have a significant effect on the environment, and a **NEGATIVE DECLARATION** will be prepared. ☐

I find that although the proposed project could have a significant effect on the environment, there will not be a significant effect in this case because the mitigation measures described on an attached sheet have been added to the project. A **MITIGATED NEGATIVE DECLARATION** will be prepared. ☒

I find that the proposed project **MAY** have a significant effect on the environment, and an **ENVIRONMENTAL IMPACT REPORT** is required. ☐

I find that the proposed project **MAY** have a "potentially significant impact" or a "potentially significant unless mitigated impact" on the environment, but at least one impact (1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and (2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An **ENVIRONMENTAL IMPACT REPORT** is required, but it must analyze only the effects that remain to be addressed. ☐

I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or **NEGATIVE DECLARATION** pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or **NEGATIVE DECLARATION**, including revisions or mitigation measures that are imposed upon the proposed project, **nothing further is required.** ☐

Signature 

Printed Name ETHAN EDWARDS

Date 6-13-2012

Title ASSOCIATE PLANNER

EVALUATION OF ENVIRONMENTAL IMPACTS:

EVALUATION OF ENVIRONMENTAL IMPACTS:

1. A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply does not apply to the project. A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards.
2. All answers must take account of the whole action involved. Answers should address off-site as well as on-site, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.
3. "Potentially Significant Impact" is appropriate, if an effect is significant or potentially significant, or if the lead agency lacks information to make a finding of insignificance. If there are one or more "Potentially Significant Impact" entries when the determination is made, preparation of an Environmental Impact Report is warranted.
4. "Potentially Significant Impact Unless Mitigated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level (mitigation measures may be cross-referenced).
5. Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). Earlier analyses are discussed in Section XIX at the end of the checklist.
6. References to information sources for potential impacts (e.g., general plans, zoning ordinances) have been incorporated into the checklist. A source list has been provided in Section XIX. Other sources used or individuals contacted have been cited in the respective discussions.
7. The following checklist has been formatted after Appendix G of Chapter 3, Title 14, California Code of Regulations, but has been augmented to reflect the City of Huntington Beach's requirements.

(Note: Standard Conditions of Approval and Code Requirements - The City imposes standard conditions of approval and code requirements on projects which are considered to be components of or modifications to the project, some of these standard conditions also result in reducing or minimizing environmental impacts to a level of insignificance. However, because they are considered part of the project, they have not been identified as mitigation measures. For the readers' information, a list of applicable code requirements identified in the discussions has been provided as Attachment No. 4.)

SAMPLE QUESTION:

ISSUES (and Supporting Information Sources):

	<i>Potentially Significant Impact</i>	<i>Potentially Significant Unless Mitigation Incorporated</i>	<i>Less Than Significant Impact</i>	<i>No Impact</i>
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Would the proposal result in or expose people to potential impacts involving:

Landslides? (Sources: 1, 6)

<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
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Discussion: The attached source list explains that 1 is the Huntington Beach General Plan and 6 is a topographical map of the area which show that the area is located in a flat area. (Note: This response probably would not require further explanation).

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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I. LAND USE AND PLANNING. Would the project:

- a) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Sources: 1, 2)
- ☐ ☐ ☒ ☐

Discussion: The proposed uses will not conflict with any land use plan in the City of Huntington Beach, including the Municipal Code, the Downtown Specific Plan (DTSP), Local Coastal Program and the General Plan. The project proposal is permitted within District One (Downtown Core) of the DTSP subject to the approval of a conditional use permit by the Planning Commission.

An existing Owner Participation Agreement (OPA) (executed in 2009 and amended in 2011) specifies allowable land uses and maximum buildout square footages for the Pierside Pavilion development. While the proposed project generally reflects the intensity of development contemplated in the OPA; the OPA would need to be modified to meet the specific project configuration of uses and overall development square footage. It should be noted that the square footage of the proposed project is within the maximum development thresholds analyzed in the DTSP Program EIR and adopted for the October 2011 DTSP Update.

While the use complies with the base zoning district and all applicable land use plans, the project requests a variance to allow for deviation from a specific zoning code requirement. The project includes a request for a variance to exceed the maximum height of four stories and 45 feet. The project proposes four stories with a building height of 68 feet topped with an 8-foot glass screen wall and an architectural tower (mechanical housing) up to 90 feet high. The proposed project would not, therefore, comply with the height requirement of the Specific Plan. However, the design intent is to match the existing building height (which was permitted pursuant to the regulations of the 1988 DTSP) and floor plates to allow for more efficient access and internal circulation. However, the 4th floor top plate exceeds the minimum required floor height and as such, staff recommends a condition of approval to require a reduction of the 4th floor top plate to match the existing 4th floor top plate (59'-6"). This would allow for the design intent to match floor plates and at the same time, limit the height of the building and extent of the variance request to exceed the maximum height. The proposal to deviate from the maximum height, as conditioned, will not result in the development being disproportionate to the size and scale of surrounding developments due to the existing height of surrounding buildings. This deviation will not result in significant environmental impacts such as increased noise, aesthetics, and lighting. As discussed in the various impact sections (II-XVIII) the project scope and design would ensure that environmental impacts are minimized to a less than significant impact.

Furthermore, the project is consistent with the following goals and policies of the General Plan:

Goal LU 4: Achieve a diversity of land uses that sustain the City's economic viability, while maintaining the City's environmental resources and scale and character.

The design of the project promotes development of a mixed-use building that conveys a unified, high-quality visual image and character that is intended to expand the existing development pattern of Downtown Huntington Beach. The City's Design Review Board has reviewed the proposed architecture, colors and materials and has indicated that it would recommend approval of the design concept, however requested that the sheer massing of the project be modified to further ensure compatibility with the surrounding area. The project's public areas and open space incorporate enhanced hardscape and landscape materials consistent with

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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the DTSP Design Guidelines. The proposed project would, therefore, be consistent with this policy of the Land Use Element. The project will improve an existing underutilized plaza area by expanding the existing development and utilizing the development potential established by the DTSP. As discussed within the various impact sections (II-XVIII) the project scope will not result in significant impacts to the City's environmental resources.

Goal LU 8: Achieve a pattern of land uses that preserves, enhances, and establishes a distinct identity for the City's neighborhoods, corridor, and centers.

The proposed project utilizes mixed-vertical uses in accordance with the patterns and distribution of use within the Land Use Map of the City of Huntington Beach General Plan. Commercial uses such as retail establishments will be located within the first story as required by the Visitor-Serving Commercial Overlay, restaurant uses on the second floor and rooftop, and office uses on the third and fourth floors. The project will be consistent with this policy.

Policy C 1.1.4: Where feasible, locate visitor-serving commercial uses in existing developed areas or at selected points of attraction for visitors.

The proposed project would develop a mix of visitor-serving commercial and office uses on a parcel including and contiguous to similar uses in an established, urban, downtown core area. Public services are currently available to the project site, as well as the surrounding parcels, and the project includes improvements to existing infrastructure to ensure adequate service after project implementation, as described in Utilities Section. Therefore the proposed project would be consistent with Policy C 1.1.4.

As discussed above, the proposed project would be consistent with applicable Goals and Policies of the Huntington Beach General Plan and Local Coastal Program, and is consistent with the uses and type of development permitted within the Downtown Specific Plan. Also, the uses proposed are consistent with the General Plan Land Use designation for the project site. The proposed project would, therefore, result in a less than significant land use impact.

- b) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Sources:1) ☐ ☐ ☐ ☒

Discussion: The proposed project would not conflict with any applicable habitat conservation plan or natural community conservation plan as none exists in the City. No impacts are anticipated.

- c) Physically divide an established community? (Sources:3,4) ☐ ☐ ☐ ☒

Discussion: The proposed project would not disrupt or physically divide an established community. The subject site is located at the northeast corner of Pacific Coast Highway and Main Street and is located within an established urban area; therefore, it will not divide any established communities. The project would not impact access to surrounding development. No impacts are anticipated.

II. POPULATION AND HOUSING. Would the project:

- a) Induce substantial population growth in an area, either

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
directly (e.g., by proposing new homes and businesses) or indirectly (e.g., through extensions of roads or other infrastructure)? (Sources:1,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

Discussion: The proposed project will provide for the expansion of an existing commercial mixed-use development. No residential uses are proposed or exist on the subject site and therefore the project will not displace existing housing. However, the increase of office, commercial, and restaurant space will result in new employment opportunities and commercial convenience which may indirectly result in a minor increase of residents. Any population growth as a result of the project would not be substantial due to the small incremental increase in development. Therefore, the project will not induce substantial population growth directly or indirectly. Less than significant impacts are anticipated.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Sources:4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: No residential uses exist on the subject site. Therefore, the proposed project will not displace existing housing and no impacts will result.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Sources:4) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site does not support any housing. Therefore, the project will not displace existing people or housing and no impacts will result.

III. GEOLOGY AND SOILS. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving: | | | | |
| i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? (Sources:1,21) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion: The project site is not known to be traversed by an active fault and is not located within the Alquist-Priolo Earthquake Fault Zone for surface fault rupture hazards. The nearest active fault is the Newport-Inglewood fault located approximately 1.5 miles northeast of the project site. Less than significant impacts are anticipated.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| ii) Strong seismic ground shaking? (Sources:1,13) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project site is located in a seismically active region of South California. Therefore, the site could be subjected to strong ground shaking in the event of an earthquake. Structures built in Huntington Beach are required to comply with standards set forth in the California Building Code (CBC) and standard City

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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codes, policies, and procedures which require submittal of a detailed soils analysis prepared by a Licensed Soil Engineer. Conformance with CBC requirements and standard City code requirements will ensure potential impacts from seismic ground shaking are less than significant.

- iii) Seismic-related ground failure, including
liquefaction? (Sources:1,12,13,20,25) ☐ ☐ ☒ ☐

Discussion: Although the site is located within an area identified by the City's General Plan as having a very high potential for liquefaction, the project is not located within a liquefaction zone, according to Seismic Hazard Zones maps of California Division of Mines and Geology (CDMG). Additionally, the site soils consist of silty sand, clayey sand and sandy clay from 5 to 20 feet below grade, and predominately sand below that depth; groundwater depth is at approximately 25 to 26 feet below existing grade, which makes the potential for liquefaction of the subsurface soils at the site low. Construction of the project in conformance with the CBC would provide mitigation of seismic ground shaking hazards. Therefore, liquefaction impacts associated with seismic related ground failure to people and structures on-site would be less than significant.

- iv) Landslides? (Sources:1,6,21) ☐ ☐ ☐ ☒

Discussion: According to the City of Huntington Beach General Plan, the site is not in an area susceptible to slope instability. The project site is located on a flat parcel of land and no slopes or other landforms susceptible to landslides exist in the vicinity of the property. Moreover, the California Division of Mines and Geology has not mapped any earthquake-induced landslides at or in the vicinity of the site that would be indicative of the potential for slope instability. No impacts from landslides are anticipated.

- b) Result in substantial soil erosion, loss of topsoil, or
changes in topography or unstable soil conditions from
excavation, grading, or fill? (Sources:1,4,20,22) ☐ ☐ ☒ ☐

Discussion: The project site and vicinity are urbanized and have relatively flat topography. Construction of the proposed project would require minimal grading of the site which could potentially result in erosion of soils. Erosion will be minimized by compliance with standard City requirements for submittal of an erosion control plan prior to issuance of building permit, for review and approval by the Department of Public Works. Implementation of the proposed project would not require significant alteration of the existing topography of the project site and less than significant impacts are anticipated. However, the project will also comply with DTSP Program EIR Mitigation Measure 4.4-1 which requires a grading plan to ensure that the design recommendation based on site specific soil conditions are implemented to minimize erosion and unstable soil conditions during grading.

- c) Be located on a geologic unit or soil that is unstable, or
that would become unstable as a result of the project,
and potentially result in on or off-site landslide, lateral
spreading, subsidence, liquefaction or collapse?
(Sources:1,6,20,21) ☐ ☐ ☒ ☐

Discussion: Refer to Responses III (a) (iii) and III (a) (iv) for discussion of liquefaction and landslides, respectively. Subsidence is large-scale settlement of the ground surface generally caused by withdrawal of groundwater or oil in sufficient quantities such that the surrounding ground surface sinks over a broad area. The project site has not been identified as an area with potential for subsidence. In addition, withdrawal of groundwater, oil, or other mineral resources would not occur as part of the proposed project and, therefore,

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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subsidence is not anticipated to occur. However, in the event of an earthquake in the Huntington Beach area, the site may be subject to ground shaking. The CBC and associated code requirements address lateral spreading and subsidence. Less than significant impacts are anticipated.

- d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Sources: 1,6,20,21,22,25)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The submitted Geotechnical Study dated October 2011 by Petra Geotechnical indicates that the site is underlain by soils that are moderately expansive. The proposed project would be designed, constructed, and operated in conformance with the City's Municipal Code including Title 17 (Excavation and Grading) as well as DTSP Program EIR. Mitigation Measure MM 4.4-1 which requires a grading plan to address site-specific soil conditions, including potential risks from expansive soil conditions in the design and construction of the project. Therefore, potential risks to life and property associated with expansive soil is less than significant.

- e) Have soils incapable of adequately supporting the use of septic tanks or alternative waste water disposal systems where sewers are not available for the disposal of wastewater (Sources: 1)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site is located in an urbanized area in which wastewater infrastructure is currently in place. Therefore, the capability of the soils to support septic tanks or alternative wastewater systems is not relevant to the proposed project. No impact would occur related to septic tanks or alternative wastewater disposal systems.

IV. HYDROLOGY AND WATER QUALITY. Would the project:

- a) Violate any water quality standards or waste discharge requirements? (Sources: 1,15)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Water quality standards and waste discharge requirements will be addressed in the project design and development phase pursuant to the City's standard erosion control measures. The applicant is required to submit a Water Quality Management Plan (WQMP), prepared by a Licensed Civil or Environmental Engineer in accordance with the National Pollutant Discharge Elimination System (NPDES) regulations. The WQMP must be approved by the City of Huntington Beach Public Works Department. The standard erosion control measures, WQMP and implementation of a Stormwater Pollution Prevention Plan (SWPPP) will contain Best Management Practices (BMPs) for construction and post-construction operation of the facility, including site, source and treatment controls to be installed and maintained at the site. The above control measures are requirements for development in the City of Huntington Beach, and with implementation will ensure compliance with water quality standards and waste discharge requirements, which will reduce project impacts to a level that is less than significant.

- b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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which would not support existing land uses or planned uses for which permits have been granted?
(Sources:1,14,15,21)

Discussion: In 2010, the Huntington Beach Public Works Department prepared an Urban Water Management Plan (UWMP), which analyzed the City's past and future water pipeline infrastructure, sources, supplies, reliability and availability. Based on the size and proposed uses, the water demand required for the project would not result in a significant increase in water demand consumption that was not previously planned for in the Water Master Plan and UWMP and would not substantially delete groundwater supplies. The project will have minimal effect with groundwater recharge because the site is currently and will remain primarily impervious. Therefore, this project would not present a substantial impact to ground water supply and table.

The project is subject to compliance with the City's Water Ordinance, including the Water Efficiency Landscape Requirements, as well as Title 24 conservation measures such as low flow fixtures, which will ensure that water consumption is minimized. Less than significant impacts are anticipated.

- c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on or off-site? (Sources:1,15,20)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The site is a flat developed property with existing drainage flow toward the east into existing storm drains. Stormwater runoff flow as a result of development of the project will maintain similar preexisting drainage conditions, with a majority of the storm water flow to be diverted to a new on-site storage tank via retrofitted on-site catch basins and then pumped into proposed cooling towers and reused. The project will not result in new impervious area which could result in flooding. Erosion and siltation during construction will be minimized by employing Best Management Practices (BMPs) for discharge of storm water pollutants, pursuant to the City's required erosion control measures. Because the project is utilizing existing catch basins, and will not create new impervious areas, the existing drainage pattern is not proposed to be substantially altered or result in flooding on or off-site. Less than significant impacts area anticipated.

- d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on or off-site? (Sources:1,15)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: See discussion under section IV (c).

- e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Sources:1,15)
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project will be designed such that runoff created by the proposed development will not exceed the existing condition. Overall drainage flow output will remain at current levels. The project includes the retrofit of existing catch basins to store and reuse collected stormwater to ensure that the project captures 100% of the volume. Although the existing drainage pattern is expected to be temporarily altered during the construction phase, erosion and siltation during construction will be minimized to a less than significant level

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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by employing Best Management Practices (BMPs) for erosion control and implementation of a Stormwater Pollution Prevention Plan (SWPPP). The WQMP, to be submitted in accordance with City of Huntington Beach standard development requirements, will identify BMPs for ensuring a less than significant impact associated with polluted runoff after construction.

- f) Otherwise substantially degrade water quality? ☐ ☐ ☒ ☐
(Sources:1,15)

Discussion: A Water Quality Management Plan (WQMP) will be prepared in accordance with National Pollution Discharge Elimination System (NPDES) regulations and Huntington Beach Municipal Code (HBMC) in order to control the quality of water runoff and protect downstream areas. NPDES requirements assure compliance with water quality standards and water discharge requirements. A preliminary WQMP was submitted to the Public Works Department for review and the methods proposed for complying with NPDES requirements are acceptable. Refer to Section IV (a). Therefore, less than significant impacts are anticipated.

- g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Sources:1,7) ☐ ☐ ☐ ☒

Discussion: The proposed project is a mixed use development consisting of visitor serving commercial and office uses. No residential uses are proposed. The subject site is designated as Flood Zone X, a 500-year flood hazard area, on the Flood Insurance Rate Map (FIRM), which is not subject to federal flood development restrictions. Therefore, no impacts are anticipated.

- h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Sources:1,7) ☐ ☐ ☐ ☒

Discussion: The proposed project site is designated as Flood Zone X on the Flood Insurance Rate Map (FIRM), which is not subject to federal flood development restrictions. The project site and vicinity are not situated within the 100-year flood hazard area as mapped in the FIRM. Therefore, no impacts are anticipated.

- i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Sources:1,7) ☐ ☐ ☐ ☒

Discussion: The project site is not located within a flood hazard zone. In addition, the site is not in the immediate vicinity of a levee or dam. Therefore, no impacts are anticipated.

- j) Inundation by seiche, tsunami, or mudflow? (Sources:1,21) ☐ ☐ ☐ ☒

Discussion: According to the Moderate Tsunami Run-up Area map in the City of Huntington Beach General Plan/Local Coastal Program, the project site is not located in an identified moderate tsunami run-up area. Due to the lack of land-locked bodies of water (i.e., ponds or lakes) in proximity to the project site, the potential for seiches is considered to be non-existent. The project site and vicinity are urbanized and have relatively flat topography. The project site and vicinity are not identified as areas with the potential for mudflows. Therefore, no impacts are anticipated.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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- k) Potentially impact stormwater runoff from construction activities? (Sources:1,15)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion: Refer to discussion under item IV (a) and (e) above.

- l) Potentially impact stormwater runoff from post-construction activities? (Sources: 1,15)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
--------------------------	--------------------------	-------------------------------------	--------------------------

Discussion: Refer to discussion under item IV (a), (c), and (d) above.

- m) Result in a potential for discharge of stormwater pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance (including washing), waste handling, hazardous materials handling or storage, delivery areas, loading docks or other outdoor work areas? (Sources:1,4,15)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: During the construction phase, erosion and siltation will be minimized to a less than significant level by employing Best Management Practices (BMPs) for discharge of storm water pollutants, pursuant to a SWPPP. A preliminary WQMP, was submitted to the Public Works Department in accordance with City of Huntington Beach development requirements, and identifies BMPs for ensuring a less than significant impact associated with the discharge of stormwater pollutants during operation. However, due to the proposed uses, pollutants from areas of material storage, vehicle or equipment fueling, vehicle or equipment maintenance, waste handling, hazardous materials handling or storage, and other outdoor work areas are not proposed or expected and therefore less than significant impacts are anticipated.

- n) Result in the potential for discharge of stormwater to affect the beneficial uses of the receiving waters? (Sources: 1,4,15)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: See discussion under Sections IV (a) and IV (e).

- o) Create or contribute significant increases in the flow velocity or volume of stormwater runoff to cause environmental harm? (Sources: 1,15)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: See discussion under Section IV (e).

- p) Create or contribute significant increases in erosion of the project site or surrounding areas? (Sources:1,15)

<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: See discussion under Section III (b).

- V. **AIR QUALITY.** The City has identified the significance criteria established by the applicable air quality management district as appropriate to make the following determinations. Would the project:

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Sources: 9,18,21,22)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
b) Expose sensitive receptors to substantial pollutant concentrations? (Sources: 9,18,21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
c) Create objectionable odors affecting a substantial number of people? (Sources: 9,18,21,22)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
d) Conflict with or obstruct implementation of the applicable air quality plan? (Sources: 9,18,21,22)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
e) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Sources: 9,18,21,22)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: a) – e) The City of Huntington Beach is located within the South Coast Air Basin, which is regulated by the South Coast Air Quality Management District (SCAQMD). The entire Basin is designated as a national-level nonattainment area for Ozone, Carbon Monoxide (CO), respirable particulate matter (PM₁₀) and fine particulate matter (PM_{2.5}). The Basin is also a State-level nonattainment area for Ozone, PM₁₀ and PM_{2.5}. The nearest sensitive receptors would be residents of the multi-family residential development (Pier Colony) adjacent to the project site approximately 25 feet to the east.

Impacts from objectionable odors could potentially occur during construction of the project. However, impacts would be intermittent and short-term and would not persist once construction was completed. The proposed operation is not anticipated to produce objectionable odors and potential odors (if any) would be limited to typical commercial refuse containers, which will be emptied and cleaned on a regular basis. As such, impacts from odors would be less than significant.

The 2007 Air Quality Management Plan (AQMP) is the region's applicable air quality plan prepared to accommodate growth, to reduce the high levels of pollutants within the areas under jurisdiction of the SCAQMD, to return clean air to the region, and minimize the impact on the economy. Projects that are considered to be consistent with the General Plan are considered to be consistent with the AQMP. When the DTSP Update was adopted in 2010, it was determined that the new land use designations and proposed build-out of the specific plan would not conflict with the 2007 AQMP. Therefore, the proposed project, which is consistent with the Specific Plan, would not conflict with the AQMP and impacts would be less than significant.

Short-term (Construction): Construction of the project may result in short-term pollutant emissions from the following activities: demolition, the commute of workers to and from the project site, delivery and hauling of construction materials and supplies to and from the project site; fuel combustion by onsite construction equipment; and dust generating activities from soil disturbance, paving activities, and potential emissions associated with the installation of interior and exterior architectural coating onto the building. Emissions during construction were calculated using the California Emissions Estimator Model (CalEEMod). The allotment of equipment to be utilized during each phase was based on defaults in the CalEEMod program and

was modified as needed to represent the specifics of the proposed project. In addition, the emissions estimate assumes that the appropriate dust control measures would be implemented during each phase as required by SCAQMD Rule 403 – Fugitive Dust and that all other appropriate mitigation such as, but not limited to, routine equipment maintenance, frequent water of the site and use of low VOC coatings has been used. The default level of detail was used to calculate fugitive dust emissions from activity on the site.

The CalEEMod model calculates total emissions, onsite and offsite, resulting from each construction activity, which are compared to the South Coast Air Quality Management District (SCAQMD) Regional Thresholds. A comparison of the project's total emissions with the regional thresholds is provided below. A project with daily construction emission rates below these thresholds is considered to have a less than significant effect on regional air quality.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact Potentially Significant Unless Mitigation Incorporated Less Than Significant Impact No Impact

Daily Construction Emission Rates						
	Regional Significance Threshold (Lbs/day)					
	CO	VOC	NOx	PM ₁₀	PM _{2.5}	SO ₂
Estimated Construction Emissions for proposed project	12.14	25.26	17.42	4.46	1.25	0.02
Significance Threshold	550	55	100	150	55	150
Exceed Threshold?	NO	NO	NO	NO	NO	NO

Based on the table above, construction of the project would not exceed the required significance thresholds nor would it expose sensitive receptors to substantial pollutant concentrations beyond those anticipated and analyzed in the DTSP Program EIR. Additionally, the project will be required to comply with construction activity mitigation measures as identified in DTSP Program EIR, MM 4.2-1 through 4.2-7. Therefore, a less than significant impact is anticipated.

Long-term: Post construction emissions were also calculated using the CalEEMod program. The program was set to calculate emissions for the proposed project. The default CalEEMod variables were used for the calculations.

Daily Post-Construction Emission Rates						
	Regional Significance Threshold (Lbs/day)					
	CO	VOC	NOx	PM ₁₀	PM _{2.5}	SO ₂
Estimated Operational Emissions for proposed project	81.91	9.48	16.00	13.89	1.09	0.13
Significance Threshold	550	55	100	150	55	150
Exceed Threshold?	NO	NO	NO	NO	NO	NO

Based on the above table, post-construction emissions from the proposed project would not exceed the regional thresholds nor would it expose sensitive receptors to substantial pollutant concentrations beyond those anticipated and analyzed in the DTSP Program EIR. Further, the project will be required to comply with DTSP Program EIR, MM 4.2-8 through 4.2-12 to address operational air quality impacts. Therefore, a less than significant impact is anticipated.

Lastly, it should be noted that the project does not come close to exceeding established thresholds for any pollutant including the identified nonattainment pollutants (Ozone, CO, PM₁₀, and PM_{2.5}) and ozone precursors (NOx and VOC) both for construction and post-construction and therefore, would not contribute a cumulatively considerable increase in these pollutants.

VI. TRANSPORTATION/TRAFFIC. Would the project:

- a) Conflict with an applicable plan, ordinance or policy establishing measures of effectiveness for the

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ISSUES (and Supporting Information Sources):

Potentially Significant Impact Potentially Significant Unless Mitigation Incorporated Less Than Significant Impact No Impact

performance of the circulation system, taking into account all modes of transportation including mass transit and non-motorized travel and relevant components of the circulation system, including but not limited to intersections, streets, highways and freeways, pedestrian and bicycle paths, and mass transit?
(Sources:1,10,19,21)

Discussion: A traffic study by Minagar & Associates, Inc. was conducted for the project to determine the potential impacts of the proposed development on nearby intersection operations, traffic, safety, downtown master plan street design, parking requirements and pedestrian access. The study finds that the project adequately meets the requirements of the Downtown Specific Plan and the parking provisions specified in the Owner Participation Agreement (OPA) and that the project will not adversely alter traffic operations on the surrounding transportation system. Based on trip generation rates for retail, restaurant, and office uses the estimated project trips are summarized in the table below.

Land Use	Estimated Project Trips							
	Weekday Project Trips							
	Daily		AM Peak Hour			PM Peak Hour		
	Total	ADT	Total	In	Out	Total	In	Out
Retail	448	ADT	69	33	36	27	12	15
Restaurant	702	ADT	6	5	1	58	39	19
Office	175	ADT	25	22	3	24	4	20
Project Trip Generation	1,325	ADT	100	60	40	110	55	54

Based on the results of a traffic impact analysis for the Existing (Year 2011) and Cumulative (Year 2020 + Project) scenarios, the Level of Service (LOS) at each of the three study intersections (Pacific Coast Highway/Main Street, Main Street/Walnut Avenue, and Walnut Avenue/3rd Street) will be maintained at an acceptable LOS of "D" or better during the weekday AM and PM peak hours with the addition of the project. The City's Traffic Division has confirmed that the change from LOS of "C" to "D" at the PCH/Main intersection during PM peak hours is acceptable. The traffic generation associated with the project is anticipated to have a less than significant impact to LOS. The LOS at the three study intersections is summarized in the table below.

Study Intersection ID and Location	Peak Hour	Level of Service		
		Existing 2011	Cumulative 2020 without Project	Cumulative 2020 + Project
PCH/Main	AM	C	C	C
	PM	C	C	D
Main/Walnut	AM	A	A	A
	PM	A	C	C
Walnut at 3 rd St/P1 Entrance	AM	A	A	A
	PM	A	A	A

Construction traffic resulting from development of the project may result in short-term interruptions to traffic circulation, including pedestrian and bicycle flow. However, the project schedule would avoid peak season traffic. Based on the project schedule and scope of project construction, short-term interruptions to traffic are

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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not considered to be significant. In addition, short-term construction impacts may be reduced through implementation of code requirements requiring the approval of a construction vehicle control plan by the Department of Public Works.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Conflict with an applicable congestion management program, including, but not limited to level of service standards and travel demand measures, or other standards established by the county congestion management agency for designated roads or highways? (Sources:1,10,19) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Refer to discussion under item VI (a) above. A nominal increase in trip generation from long-term operation of the project is anticipated. PCH is categorized as a Congestion Management Program Highway System (CMPHS) by the Orange County Transit Authority (OCTA) 2009 CMPHS, but the project site is not within close proximity to a recognized Congestion Management Program (CMP) Intersection. The closest CMP Intersection (i.e., Beach Boulevard and PCH) is located approximately 1.25 miles away from the project site. Therefore, short- and long-term project traffic will not exceed LOS standards at designated Orange County CMP intersections in the project vicinity. Less than significant impacts are anticipated.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Sources:10,11) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site is not located within two miles of a public or private airstrip and does not propose any structures of substantial height to interfere with existing airspace or flight patterns.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses? (Sources:1,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project site is located along Pacific Coast Highway, a Primary Arterial street. Access to the project exists via Main Street and Walnut Avenue. No new streets, driveways or other street improvements are proposed. Therefore, less than significant impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| e) Result in inadequate emergency access? (Sources:1,19) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Emergency access to and within the project site would be designed to meet City of Huntington Beach Police Department and City of Huntington Beach Fire Department requirements, as well as the City's general emergency access requirements. The Fire and Police Departments have reviewed the proposed plans and determined that emergency access is adequate. Furthermore, the City of Huntington Beach Public Works Department will require the preparation of a traffic control plan for project construction; this would ensure adequate emergency access would be maintained during construction. Therefore, less than significant impacts would occur after compliance with existing regulations, and future project traffic would not impede emergency access to and from adjacent and surrounding roadways.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| f) Result in inadequate parking capacity? (Sources:2,4,5) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: A total of 530 parking spaces are required for the project (90 spaces for retail, 288 spaces for restaurant, and 152 spaces for office) pursuant to Section 3.2.26 of the DTSP. The property is allocated up to 300 of the 826 parking spaces within the adjacent municipal parking structure located at 200 Main Street. 296 parking spaces will be provided on-site within the existing subterranean parking area and 234 parking spaces will be utilized within the adjacent Municipal parking structure. During construction, up to 20 parking spaces within the existing on-site subterranean parking area will be disrupted and unavailable. However, there is a surplus of available parking within the Municipal parking structure that is allocated to the project to offset this temporary deficiency. The proposed project has been designed according to City parking regulations and has sufficient parking spaces.

- g) Conflict with adopted policies, plans, or programs regarding public transit, bicycle, or pedestrian facilities, or otherwise decrease the performance or safety of such facilities? (Sources:2) ☐ ☐ ☐ ☒

Discussion: The project will provide bicycle racks onsite, in accordance with the requirements of the DTSP Section 3.2.26.5. No impacts are anticipated.

VII. BIOLOGICAL RESOURCES. Would the project:

- a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Sources:1,9) ☐ ☐ ☐ ☒

Discussion: The proposed project site is currently developed with a mixed-use building. The project site does not support any unique, sensitive, or endangered species, is not shown in the General Plan as a generalized habitat area, and is not in the vicinity of any sensitive habitat. Therefore, no impacts to any habitat or wildlife area are anticipated.

- b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service? (Sources:1,9) ☐ ☐ ☐ ☒

Discussion: The project site does not contain any riparian habitat or sensitive natural community identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game or US Fish and Wildlife Service. The project will not result in any loss to endangered or sensitive animal or bird species and does not conflict with any habitat conservation plans.

- c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Sources:1,9) ☐ ☐ ☐ ☒

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Discussion: The project does not contain any wetlands; therefore, no impacts are anticipated.

- d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors or impede the use of native wildlife nursery sites? (Sources:1,9) ☐ ☐ ☐ ☒

Discussion: The project area is surrounded by similar mixed use, commercial and residential developments. The site does not support any fish or wildlife and would not interfere with the movement of any fish or wildlife species nor impede the use of native wildlife nursery sites. No impacts are anticipated.

- e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Sources:1,4,9) ☐ ☒ ☐ ☐

Discussion: The site is currently developed and contains 31 mature palm trees. The project includes relocation of 7 impacted trees on-site in accordance with standard Huntington Beach Zoning & Subdivision requirements (remaining 24 will not be disturbed). Pursuant to a recommended mitigation measure to ensure survival or replacement, the applicant shall submit an arborist report that describes the trees to be relocated and proper procedures for the translocation. The report shall include detailed translocation specifications; the work will be performed by a qualified tree service to be approved by the City of Huntington Beach Public Works Department; and any tree that does not survive after four years shall be replaced with the same type and size of tree. Implementation of the recommendations of an arborist report pursuant to Mitigation Measure BIO 1 would reduce the potentially significant impact to biological resources on the site to a less than significant level.

BIO 1 Tree replacement of any existing mature trees on-site shall be done in accordance with the requirements of Chapter 232—Landscape Improvements. For the trees to be relocated, an arborist report shall be submitted and include the following:

- Trees shall be transplanted by a qualified tree service to be approved by the City of Huntington Beach Public Works Department.
- Detailed specifications and procedures for the translocation of the identified trees.
- The relocated trees shall be maintained and guaranteed to be alive and thriving after four years by a qualified tree service or arborist to be approved by the City of Huntington Beach Public Works Department. The trees shall be surveyed every six months for a period of four years as to their viability. The survey shall be submitted to the Public Works Department for review. In the event that any tree is not surviving, it shall be replaced with the same type and size of tree.
- A letter from the developer stating that the recommendations of the Consulting Arborist will be followed.

- f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Sources:1,9) ☐ ☐ ☐ ☒

Discussion: As discussed, the project site is currently developed. It does not support any unique or endangered plant or animal species and is not a part of any adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan; therefore, no impacts would occur.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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VIII. MINERAL RESOURCES. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Sources:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| b) Result in the loss of availability of a locally-important mineral resource recovery site delineated on a local general plan, specific plan, or other land use plan? (Sources:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |

Discussion: a) – b) The project site is not designated as an important mineral resource recovery site in the General Plan or any other land use plan. No current onsite oil drilling or extraction operations presently exist or are proposed for the project site. Development of the project is not anticipated to have any impact on any other mineral resources. No impacts to mineral resources are anticipated.

IX. HAZARDS AND HAZARDOUS MATERIALS.

Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Sources:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed mixed use development will not involve the routine transport, use or disposal of hazardous materials other than use of typical commercial cleaning products which would not pose a significant threat to public or environmental health. The project will not provide on-site fuel dispensing, underground or outdoor storage of hazardous materials. Less than significant impacts regarding the disposal of hazardous materials are anticipated.

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Sources:1,9,20,21) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: Hazardous materials during operation would be limited to use of commercial cleaning products and building maintenance materials typical of a commercial building. The project would be required to implement MM 4.5-2 of the DTSP EIR, which requires construction activities to cease if hazardous materials or contamination is discovered at the site. Additionally, the measure would require the preparation of a Risk Management Plan to protect workers and the public from exposure to hazards during construction and post-development uses and activities. Less than significant impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Emit hazardous emissions or handle hazardous or acutely hazardous material, substances, or waste within one-quarter mile of an existing or proposed school? (Sources:1,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed development is not intending to operate the site in a way that would generate hazardous materials. Activities conducted within the development will consist of visitor serving commercial

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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and office uses. These types of uses are restaurant, retail and/or service-oriented in nature and are not likely to involve hazardous materials on a daily basis. In addition, the nearest school is approximately ½ mile from the project site. No impacts are anticipated.

- d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Sources:1,21)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The location of the proposed development is not listed on the State's Hazardous Waste and Substance Site List. No impacts would occur.

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Sources:9,11)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The City of Huntington Beach is included in the Orange County Airport Environs Land Use Plan due to the Los Alamitos Armed Forces Reserve Center. However, the site is located such that it would not be impacted by flight activity from the center. No impacts are anticipated.

- f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Sources:9,11)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site is not near any private airstrips. No impacts are anticipated.

- g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Sources:17,19)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The proposed project will not impede access to the surrounding area and impact implementation or physically interfere with any adopted emergency response plan or evacuation plan. No impacts would occur.

- h) Expose people or structures to a significant risk of loss, injury, or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Sources:1)
- | | | | |
|--------------------------|--------------------------|--------------------------|-------------------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project is located in an urbanized area and is not near any wildlands. No impacts would occur.

X. NOISE. Would the project result in:

- a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan
- | | | | |
|--------------------------|--------------------------|-------------------------------------|--------------------------|
| <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--------------------------|--------------------------|-------------------------------------|--------------------------|

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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or noise ordinance, or applicable standards of other agencies? (Sources:1,13,16,22,23)

Discussion: A Noise Impact Analysis was prepared by Urban Crossroads to evaluate the noise impacts associated with the proposed project during construction and operation. During site grading for the new building and other construction phases of the project, noise levels on the site may increase from normal construction vehicles such as concrete trucks and a backhoe as well as other equipment and tools typically used on construction sites. Construction of the project will create short-term noise impacts. However, the development will be required to comply with the City Noise Ordinance (Chapter 8.40 Noise Control), which restricts hours of construction to reduce noise impacts to the area to a less than significant level. Though the City exempts construction noise, the proposed project will incorporate the construction mitigation measures that were included in the DTSP Program EIR to further reduce noise at the nearby noise-sensitive residents.

Long-term noise impacts from the project are subject to compliance with the City Noise Ordinance as well but are not expected to be a concern due to the proposed uses, which are compatible with the character of the area and will not result in any significant noise impact. The stationary source noise impacts associated with the proposed project include restaurant terrace activities and roof-top air conditioners. Noise attenuation is provided by the proposed plexi-glass terrace barrier as well as 5-foot high parapet walls on the surrounding the rooftop air conditioning units. Existing noise sensitive residential uses are located east of the new restaurant space on the southeastern portion of the project site. The daytime and nighttime project only noise level contributions will range from 0.4 to 0.8 dBA Leq when compared with the quietest daytime and nighttime hours. Although the existing ambient noise level of 65 dBA Leq exceeds acceptable levels, the project noise will contribute less than 3.0 dBA to the existing residential uses and therefore the proposed project will not create a significant noise impact to the surrounding receptors. Less than significant short- and long-term noise impacts resulting from the new development project are anticipated.

- b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Sources:1,13,16)

☐ ☐ ☒ ☐

Discussion: Although there may be some temporary groundbourne vibration or groundbourne noise levels due to onsite construction activities, these would occur infrequently and would be short-term. Occasionally, large bulldozers and loaded trucks may cause perceptible vibration levels at close proximity. The project will include the installation of structural helical piers (or piles) for underpinning of some of the existing footings. These are steel elements (rods, tubes, etc.) that have welded on to them several steel bearing elements shaped in a helical pattern. The method of installation is by screwing the steel elements into the ground by a mini-bobcat with a screw rig attached to the nose, which would only occur within the existing subterranean parking structure. This construction method is substantially less invasive than the more typical construction method involving high levels of noise and vibration from the use of a pile driver and drill rig. Because the proposed project is not expected to employ any pile driving or drilling, rock blasting or heavy grading equipment and with residential uses located greater than 10-feet from construction activities, impacts from groundborne vibration are anticipated to be less than significant. Furthermore, these activities will be required to comply with the City Noise Ordinance, which exempts noise construction activity between the hours of 7AM and 8PM, Monday through Saturday.

The proposed mixed use development on the project site will not result in the generation of significant groundbourne vibration or groundbourne noise during long-term operation. Implementation of the proposed project would not result in the exposure of people to or the generation of excessive groundbourne vibration or groundbourne noise levels. Less than significant impacts are anticipated.

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact

- c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources:1,16)

☐ ☐ ☒ ☐

Discussion: The type of noise to be generated by the project in the long term will be similar to that generated by the existing development and other commercial uses in the area and is not anticipated to increase the ambient noise levels significantly.

- d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Sources:1,13,16)

☐ ☐ ☒ ☐

Discussion: The project is anticipated to generate short-term noise impacts during construction. These would occur infrequently and would be short-term. However, periodically during various stages of construction there may be moderate spikes in the levels of ambient noise. These infrequent spikes will be required to comply with the City Noise Ordinance, which regulates hours of construction. Therefore, a less than significant impact is anticipated. No other significant noise impacts are expected after construction due to the nature of the project, which is compatible with other uses in the area

- e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Sources:1,9,11)

☐ ☐ ☐ ☒

Discussion: The City of Huntington Beach is included in the Planning Area for the Joint Forces Training Center in Los Alamitos. However, the site is located a considerable distance from the Training Center, such that the project would not be impacted by flight activity and noise generation from the Center. No impacts are anticipated.

- f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Sources:1,11)

☐ ☐ ☐ ☒

Discussion: The project is not located within the vicinity of a private airstrip. Therefore, no impacts are anticipated.

XI. PUBLIC SERVICES.

Would the project result in substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

- a) Fire protection? (Sources:1)

☐ ☐ ☒ ☐

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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b) Police Protection? (Sources:1)

☐ ☐ ☒ ☐

Discussion: a)-b) The proposed project has been reviewed by Huntington Beach Fire Department and Police Department staff. The project site is located within approximately ½ mile from Lake Fire Station and within 1-½ miles of the Main Police Station and approximately ¼ mile from the Downtown Police Substation. Estimated emergency first response times from the Lake Fire Station are within the 80 percent/ 5 minute response time objective established in the City's Growth Management Element. Estimated emergency first response times from the Police Main Station are within acceptable service levels. According to input from the Police and Fire Departments, the proposed development can be adequately served by existing Fire and Police protection service levels. Accordingly, the project would not result in significant impacts to police and fire services.

c) Schools? (Sources:1)

☐ ☐ ☒ ☐

Discussion: The project does not include new residential units and will not directly result in new residents. However, the increase of employment opportunities and commercial convenience may indirectly result in a minor increase of residents. Any increase as a result of the project would not be substantial; therefore the potential increase of residents as a result of employment will not noticeably impact school operations. The applicant will also be required to pay school district fees for the net increase in the floor area proposed. Less than significant impacts are anticipated.

d) Parks? (Sources:1)

☐ ☐ ☒ ☐

Discussion: See discussion under XI (e) and XV – Recreation.

e) Other public facilities or governmental services?
(Sources:1)

☐ ☐ ☒ ☐

Discussion: The proposed project has been reviewed by responsible City departments, including Public Works, Fire, and Community Services, each of which determined that any potential impacts to public services are adequately addressed via standard code requirements and conditions of approval. Additionally, the impacts to public libraries are anticipated to be less than significant because the project does not include residential. Less than significant impacts are anticipated.

XII. UTILITIES AND SERVICE SYSTEMS. Would the project:

a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board?
(Sources:1,21)

☐ ☐ ☒ ☐

Discussion: The proposed sewer flow at the project site will be approximately 7,000 gpd. The new wastewater discharges from the proposed project would place additional demand upon regional treatment facilities. The operational discharges of the proposed project will be sent to the project's sewer system, which would ultimately be treated at one or more of the OCSD wastewater treatment plants. The OCSD wastewater treatment plants are required to comply with their associated waste discharge requirements (WDRs). WDRs set

ISSUES (and Supporting Information Sources):	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	Potentially Significant	No Impact

the level of pollutants allowable in water discharged from a facility.

Compliance with any applicable WDRs as monitored and enforced by the OCSD would ensure that the proposed project would not exceed the applicable wastewater treatment requirements of the Santa Ana Regional Water Control Board with respect to discharges to the sewer system. This would result in a less than significant impact.

- b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources:1,4,20) ☐ ☐ ☒ ☐

Discussion: The project would not require the construction of new or significant expansion of existing water or wastewater treatment facilities. There are existing public water pipelines along Pacific Coast Highway and the alley behind the project site that could satisfy the demands of the project. A Utility Plan for new water service connections shall be reviewed and approved by the Public Works Department. All utility connections to the project site will be in accordance with all applicable City standards and no adverse impacts to the City's utilities or services are anticipated.

- c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Sources: 1,4,20) ☐ ☐ ☒ ☐

Discussion: The project is not expected to result in the construction of new or significant expansion of existing storm water facilities. The project will not require extensions of public services and utilities to the site. All utility connections to the project will be in accordance with all applicable CBC, City ordinances, and Public Works Utilities Division standards. Therefore, less than significant impacts are anticipated.

- d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Sources:1,14, 20) ☐ ☐ ☒ ☐

Discussion: The proposed project would result in an intensification of the project site with a net increase of approximately 27,772 sq. ft., which may increase overall water demand. However, the project would not result in a significant increase in water consumption that was not previously planned for in the 2010 Water Master Plan and 2010 Urban Water Management Plan as residential uses, which typically use more water, are a permitted use on the site and the Urban Water Management Plan assumes this type of development on the property. Additionally, the proposed uses and estimated square footages are included in the development potential analyzed in the DTSP Program EIR. Therefore, the estimated project demand can be accommodated by the City's water supply and does not represent a significant impact.

- e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Sources:1,5,21) ☐ ☐ ☒ ☐

Discussion: The proposed uses would generate approximately 8,750 gallons of wastewater per day. Sewage

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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from the proposed project will be delivered from the City feeder lines that connect to the Orange County Sanitation District's trunk sewer lines. The wastewater generated from the proposed project would be treated by the Orange County Sanitation District's Plants No. 1 and No. 2. The two plants have a treatment capacity of 276 million gallons per day (mgd). Average daily flow to both plants combined is 243 mgd. These levels provide an additional capacity of 33 mgd for both Plants No. 1 and No. 2. The proposed project would generate negligible wastewater and would require the use of approximately 0.0002651% of the remaining capacity of the OCSD's facilities; therefore, less than significant impacts are anticipated.

- f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Sources:1,21) ☐ ☐ ☒ ☐

Discussion: Rainbow Disposal is the exclusive hauler of all solid waste for the City of Huntington Beach. Rainbow Disposal operates a Transfer Station, located at 17121 Nichols Street within the City of Huntington Beach, and two Materials Recovery Facilities (MRFs) through which all solid waste is processed. Rainbow Disposal's Transfer Station has a design capacity of 2,800 tons per day, and current utilization ranges between 53 and 71 percent. Assuming a worse-case scenario of 71 percent utilization, the daily solid waste contribution to this transfer station under the proposed project would be less than one percent at approximately 0.000005 percent of its entire design capacity. Utilization of the transfer station would not be noticeably impacted with implementation of the proposed project.

The Orange County Integrated Waste Management Department (IWMD) currently owns and operates three active landfills that serve the Orange County region, including: Frank R. Bowerman Landfill in Irvine; Olinda Alpha Landfill in Brea; and Prima Deschecha Landfill in San Juan Capistrano. All three landfills are permitted as Class III landfills and have a combined design capacity of 20,500 tons per day. Solid waste from the project site would be sent to the Frank R. Bowerman Landfill in Irvine. Permitted capacity for the landfill is limited to 8,500 tons per day. However, if the per day capacity is reached at the Bowerman Landfill, trucks are diverted to one of the other two landfills: Olinda Alpha in Brea (capacity 8,000 tons/day) and Prima Deschecha in San Juan Capistrano (capacity 4,000 tons/day) in the county.

Using the solid waste generation factors identified by the California Integrated Waste Management Board (CIWMB), the estimated amount of solid waste generated by the proposed project is shown in the table below.

Land Use	Solid Waste Generation Rates (lbs/unit/day)	Proposed Project	
		Units	Waste Generated (lbs/day)
Office	1.24 lbs/employee/day	150	186 lbs/day
Commercial	10.53 lbs/employee/day	200	2,106 lbs/day
Total		350	2,292 lbs/day (1.15 tn/day) 836,580 lbs/yr (418.29 tn/yr)
SOURCE: California Integrated Waste Management Board, Estimated Solid Waste Generation Rates, http://www.ciwmb.ca.gov/wastechar/wastegenrates .			

Based on landfill capacity, the solid waste contribution to any of the three landfills that serve the project site is less than one percent of their allowed daily capacity. With Rainbow Disposal able to accept all commercial and construction waste from the project site and with sufficient current and future landfill capacity, the solid waste impacts resulting from the proposed project would be less than significant.

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Sources:1)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

Discussion: Prior to 2008, Assembly Bill (AB) 939 established a requirement of 50 percent diversion of solid waste by the year 2000. Based on data from 2006, the City of Huntington Beach maintained a 71 percent diversion rate from Orange County landfills, thereby meeting and exceeding the requirements. In 2008, California enacted Senate Bill (SB) 1016, which modified the system of measuring a jurisdiction's compliance with solid waste disposal requirements previously under AB 939. SB 1016 established a per-capita disposal rate as the instrument of measurement. The City of Huntington Beach is subject to a per resident disposal rate target of 10.4 pounds per person per day (PPD). According to data from annual reports submitted by the City and published by CalRecycle, the City's PPD rate dropped from 5.5 in 2007 to 4.6 in 2009, demonstrating compliance with SB 1016. Therefore, no impacts would occur.

h) Include a new or retrofitted storm water treatment control Best Management Practice (BMP), (e.g. water quality treatment basin, constructed treatment wetlands?) (Sources:1)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project is required to be designed such that water quality from the proposed development shall not exceed the pre-development condition. Development of the project will result in stormwater runoff flow to maintain similar preexisting drainage conditions, with a majority of the storm water flow to be diverted to an on-site storage tank via retrofitted on-site catch basins and then pumped into proposed cooling towers and reused. Its installation is included in the construction scenario for the proposed project and is not anticipated to result in any potentially significant environmental impacts. Therefore, less than significant impacts are anticipated.

XIII. AESTHETICS. Would the project:

a) Have a substantial adverse effect on a scenic vista? (Sources:1,3,4)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The project is located on Pacific Coast Highway, a scenic corridor in the City of Huntington Beach General Plan Circulation Element. The setting along PCH is characterized by beach facilities, shoreline, the Municipal Pier, and recreational amenities on the south side and a mix of development on the north side. The architecture of the proposed building consists of a contemporary design theme, which includes materials such as light colored smooth stucco finish, tower elements, flat roof and glass railing systems. The applicant submitted a public view analysis consisting of renderings of the completed project at varying angles. The renderings illustrate that existing public views, such as views looking north and south along PCH, will not be impacted by the proposed project. The project's design, colors, and materials are consistent with the guidelines established by the Design Guidelines (Chapter 4, Book II) of the DTSP. The proposed project will be located across PCH, away from nearby scenic vistas (i.e., pier and beach), and will not have a substantial adverse effect to these scenic resources and, therefore, less than significant impacts are anticipated.

b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Sources:1,21)	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Discussion: The State of California Department of Transportation designates scenic highway corridors. The project site is located within and visible from an eligible state scenic highway, Pacific Coast Highway. The project is designed with quality architecture and material so as to contribute to the character of the area. The

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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project site does not contain rock outcroppings or historic buildings. Less than significant impacts are anticipated.

- c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Sources:1,21) ☐ ☐ ☒ ☐

Discussion: The proposed project is designed in accordance with the DTSP Design Guidelines. The proposed building is an expansion of the existing Pierside Pavilion development and will complement the existing architectural elements and details. The DTSP Program EIR describes how development within the existing downtown core primarily consists of commercial and mixed-use developments ranging from one-story stand alone commercial buildings to four-story mixed use (commercial/office/residential) developments with residential uses interspersed throughout. The most intense development and activity occur at the intersection of Pacific Coast Highway and Main Street, across from the Municipal Pier, Pier Plaza, and the beach. Two large developments – the subject Pierside Pavilion and the Oceanview Promenade project are developed on the two corners of the intersection with 4 stories each and heights that reach up to 71 feet high and architectural features that are 90 feet high.

The project includes a variance request to exceed the maximum height of 45 feet. The project proposes four stories with a building height of 68 feet topped with an 8-foot glass screen wall and an architectural tower (mechanical housing) up to 90 feet high. The design intent is to match the existing building height and floor plates to allow for more efficient access and internal circulation. However, the 4th floor top plate exceeds the minimum required floor height and as such, staff recommends a condition of approval to require a reduction of the 4th floor top plate to match the existing 4th floor top plate. This would allow for the design intent to match floor plates and at the same time, limit the extent of the variance request to exceed the maximum height. The project was reviewed by the City's Design Review Board (DRB), who is charged with reviewing projects for consistency with community design standards and objectives. The DRB made several recommendations to address the building's size and scale to ensure further compatibility with the surrounding neighborhood. Therefore, less than significant impacts are anticipated.

- d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Sources:1,3,4) ☐ ☐ ☒ ☐

Discussion: The proposed project is located within a highly urbanized area. Because the project will result in a larger development in terms of building volume, overall height, and site coverage from existing conditions, implementation of the proposed project may result in additional nighttime lighting and the potential for glare from the building including the rooftop dining and outdoor patio areas. The project will be subject to a standard condition of approval that requires lighting to be shielded and directed so as to prevent glare and spillage onto adjacent properties including neighboring residential uses located to the east.

Furthermore, the project proposes to incorporate building materials into the project design that are consistent with those identified within the DTSP Design Guidelines. The project may introduce new reflective elements, which include glass railings, windows, and paint finishes that may result in a potential of direct glare impacts onto adjoining properties and vehicular traffic along PCH and Main Street. However, these surfaces are minimal in comparison to the total area utilizing non-reflective/matte exterior surfaces and are consistent with the type and amount of materials utilized on other surrounding developments. Therefore, impacts related to a new source of substantial glare will be less than significant.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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XIV. CULTURAL RESOURCES. Would the project:

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|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Cause a substantial adverse change in the significance of a historical resource as defined in §15064.5?
(Sources:1,9,21) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site does not contain any historic structures and is not located within any of the City's historic districts. No historical resources will be impacted by construction of the project.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to §15064.5?
(Sources: 1,9,21) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site is not located on an identified archaeological site. Furthermore, the site is presently developed and has been previously graded and no archeological sites have been found. It is not likely that cultural resources are present on the site. No impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Directly or indirectly destroy a unique paleontological resource or site unique geologic feature? (Sources: 1,9,21) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site is not designated as having any paleontological resources and does not contain any unique geologic features. No impacts are anticipated.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| d) Disturb any human remains, including those interred outside of formal cemeteries? (Sources: 1,9,21) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: Given that the project site is presently developed and no archeological sites have been previously recorded, the project is not expected to result in the disturbance of human remains. No impacts are anticipated.

XV. RECREATION. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Would the project increase the use of existing neighborhood, community and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Sources:4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
| c) Affect existing recreational opportunities? (Sources:1,4) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

Discussion: a) – c) The increased use of existing neighborhood, community and regional parks or recreational facilities would be minimal and would likely consist of occasional use by employees.

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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Construction of the proposed project will occur entirely on the subject site and does not include construction of recreational amenities/facilities. Access along the adjoining right-of-ways (PCH and Main Street) may be restricted during various phases of site development. However, such disturbances will be temporary and will not impede access to or affect use of adjacent recreational opportunities, specifically those amenities located across PCH (i.e. beach, pier and pier plaza). The project will be required to pay park fees as identified in Chapter 230.20 of the HBZSO. Therefore, impacts are anticipated to be less than significant.

XVI. AGRICULTURE RESOURCES. In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland. Would the project:

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The project site does not serve as farmland and does not contain any farming operations. Development of this project will not result in the conversion of any farmland. No impacts would occur.

- | | | | | |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|
| b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|--|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The subject site is presently zoned SP5 (DTSP), which does not permit agricultural uses. In addition, the project site is not under a Williamson Act contract. Development of the site would not conflict with agricultural uses or zoning. No impacts would occur.

- | | | | | |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|
| c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Sources:1) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
|---|--------------------------|--------------------------|--------------------------|-------------------------------------|

Discussion: The site is currently developed with a mixed-use building surrounded by commercial and residential uses. No environmental changes associated with the proposed project would result in the conversion of farmland to non-agricultural uses.

XVII. GREENHOUSE GAS EMISSIONS. Would the project:

- | | | | | |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|
| a) Generate greenhouse gas emissions, either directly or indirectly, that may have a significant impact on the environment? (Sources: 8,23) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The proposed project would result in a total of approximately 140.7 tons of CO₂ emissions during construction and would emit 4.69 tons of CO₂ amortized over the 30-year lifetime. Operational CO₂ emissions

ISSUES (and Supporting Information Sources):

	Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Potentially Significant Less Than Significant Impact	No Impact
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would be approximately 2218.36 tons/year. Therefore, the project would produce GHG emissions. Other GHG emissions could result from increases in electricity and natural gas usage and solid waste production, all of which would occur with the proposed project. The total annual project GHG emissions, including amortized construction emissions, are expected to be 2223.05 tons, which is less than the 3,000 ton annual threshold proposed by the SCAQMD. Therefore, construction and operational emissions are expected to result in less than significant impacts based on the total GHG emissions.

- b) Conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases? (Sources: 8,23)

☐ ☐ ☒ ☐

Discussion: AB 32 codifies the state's goal to reduce its global warming by requiring that the state's greenhouse gas (GHG) emissions be reduced to 1990 levels by 2020. This reduction will be accomplished through an enforceable statewide cap on greenhouse gas emissions that will be phased in starting in 2012. In order to effectively implement the cap, AB 32 directs the California Air Resources Board (CARB) to develop appropriate regulations and establish a mandatory reporting system to track and monitor greenhouse gas emissions levels. In addition, the Natural Resources Agency recently adopted amendments to the CEQA guidelines (effective March 18, 2010) that require an evaluation and determination of the significance of a project's greenhouse gas emissions. The amendments require the lead agency to make a good faith effort in describing, calculating or estimating the amount of greenhouse gas emissions resulting from a project using qualitative and/or quantitative analyses and methodologies.

The proposed project would incorporate design features that promote energy efficiency and a reduction in GHG emissions, both directly and indirectly. In addition, the project is required to comply with all applicable City codes and requirements pertaining to energy efficiency and water use efficiency as well as applicable requirements for construction equipment that would limit truck and equipment idling times, exhaust and dust. The identified project design features and applicable requirements are consistent with the GHG reduction strategies recommended by the California Climate Action Team (CCAT), the California Air Pollution Control Officers Association (CAPCOA) and the California Attorney General's office. The proposed project's impacts on greenhouse gases emissions are described in item (a) above.

Because the proposed project would comply with City codes and the project emissions would be less than the proposed SCAQMD threshold for annual GHG emissions, the project would not conflict with adopted plans to carry out AB 32. Less than significant impacts are anticipated.

XVIII. MANDATORY FINDINGS OF SIGNIFICANCE.

- a) Does the project have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Sources: 1,3,4)

☐ ☐ ☐ ☒

Discussion: The project site is currently developed. It is not located within any wildlife or biological resource area and therefore will not impact any fish, wildlife, or plant community. The site does not contain any historic resource. Based on discussions in Sections I to XVII above, the project is anticipated to have no impact on the

ISSUES (and Supporting Information Sources):

Potentially Significant Impact	Potentially Significant Unless Mitigation Incorporated	Less Than Significant Impact	No Impact
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quality of the environment.

- | | | | | |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|
| b) Does the project have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects.) (Sources:1,2,9) | <input type="checkbox"/> | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> |
|--|--------------------------|--------------------------|-------------------------------------|--------------------------|

Discussion: The project was anticipated and considered as part of the new development potential analyzed within the DTSP Program EIR. As discussed above in Sections I to XVII, the project with implementation of standard code requirements, conditions of approval, and applicable mitigation measures adopted for the DTSP Program EIR is anticipated to have less than significant impacts and would not result in any cumulatively considerable impacts.

- | | | | | |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|
| c) Does the project have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Sources:1,2,9) | <input type="checkbox"/> | <input checked="" type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
|---|--------------------------|-------------------------------------|--------------------------|--------------------------|

Discussion: As discussed in Sections I to XVII, the project with implementation of the recommended Mitigation Measure BIO-1, standard code requirements, conditions of approval, and applicable mitigation measures adopted for the DTSP Program EIR, will have a less than significant impact or less than significant with mitigation impact on human beings, either directly or indirectly.

XIX. EARLIER ANALYSIS/ SOURCE LIST

Earlier analyses may be used where, pursuant to tiering, program EIR, or other CEQA process, one or more effects have been adequately analyzed in an earlier EIR or negative declaration. Section 15063 (c)(3)(D).

Earlier Documents Prepared and Utilized in this Analysis:

<u>Reference #</u>	<u>Document Title</u>	<u>Available for Review at:</u>
1	City of Huntington Beach General Plan/City of Huntington Beach Local Coastal Plan	City of Huntington Beach Planning & Building Dept., Planning/Zoning Information Counter, 2000 Main St., 3rd Floor, Huntington Beach, and at www.huntingtonbeachca.gov/Government/Departments/Planning/gp
2	City of Huntington Beach Zoning and Subdivision Ordinance	City of Huntington Beach City Clerk's Office, 2000 Main St., 2 nd Floor, Huntington Beach, and at www.huntingtonbeachca.gov/government/charter_codes
3	Project Vicinity Map	See Attachment #1
4	Preliminary Site Plan, Floor Plans, Elevations, Section Elevations, Tentative Parcel Map	See Attachment #2
5	Project Narrative	See Attachment #3
6	City of Huntington Beach Geotechnical Inputs Report	City of Huntington Beach Planning & Building Dept. (see #1)
7	FEMA Flood Insurance Rate Map (December 3, 2009)	"
8	CEQA Air Quality Handbook South Coast Air Quality Management District (1993)	"
9	City of Huntington Beach CEQA Procedure Handbook	"
10	Trip Generation Handbook, 7 th Edition, Institute of Traffic Engineers	"
11	Airport Environs Land Use Plan for Joint Forces Training Base Los Alamitos (Oct. 17, 2002)	"
12	State Seismic Hazard Zones Map	City of Huntington Beach Planning & Building Dept. (see #1)
13	City of Huntington Beach Municipal Code	City of Huntington Beach City Clerk's Office (see #2)

14	2010 Urban Water Management Plan	City of Huntington Beach Planning & Building Dept. (see #1)
15	Water Quality Management Plan Prepared by W.J. McKeever, Inc. (February 2012)	City of Huntington Beach Planning & Building Dept. (see #1)
16	Noise Impact Analysis (November 2011)	City of Huntington Beach Planning & Building Dept. (see #1)
17	City of Huntington Beach Emergency Management Plan	City of Huntington Beach Planning & Building Dept. (see #1)
18	Air Quality Impact Prepared by Urban Crossroads (September 2011)	City of Huntington Beach Planning & Building Dept. (see #1)
19	Traffic Study Prepared by Minagar & Associates, In. (February 2012)	City of Huntington Beach Planning & Building Dept. (see #1)
20	Code Requirements Letter (March 2012)	Attachment #4
21	Downtown Specific Plan EIR	City of Huntington Beach Planning & Building Dept. (see #1)
22	Downtown Specific Plan EIR -- Mitigation Measures	Attachment #5
23	Project Mitigation Measure	Attachment #6
24	Greenhouse Gas Analysis Prepared by Urban Crossroads (June 2012)	City of Huntington Beach Planning & Building Dept. (see #1)
25	Geotechnical Report Prepared by Petra (October 2011)	City of Huntington Beach Planning & Building Dept. (see #1)

DTSP Program EIR

Mitigation Measures Applicable to Proposed Project

Air Quality

MM 4.2-1: During construction, demolition and remodel activities, the following Best Available Control Measure shall be implemented where feasible:

- Dust Control
 - Apply soil stabilizers to inactive areas.
 - Prepare a high wind dust control plan and implement plan elements and terminate soil disturbance when winds exceed 25 mph.
 - Stabilize previously disturbed areas if subsequent construction is delayed.
 - Water exposed surfaces and haul roads 3 times per day.
 - Cover all stock piles with tarps.
 - Replace ground cover in disturbed areas as soon as feasible.
 - Reduce speeds on unpaved roads to less than 15 mph.
- Exhaust Emissions
 - Require 90-day low-NORxR tune-ups for off-road equipment.
 - Limit allowable idling to 5 minutes for trucks and heavy equipment.
 - Utilize equipment whose engines are equipped with diesel oxidation catalysts if available.
 - Utilize diesel particulate filter on heavy equipment where feasible.
 - Utilize low emission mobile construction equipment.
 - Utilize existing power sources when available, minimizing the use of higher polluting gas or diesel generators.
 - Configure construction parking to minimize traffic interference.
 - Plan construction to minimize lane closures on existing streets.
 - A full listing of construction emission controls is included in the Air Quality Assessment for Huntington Beach Downtown Specific Plan dated April 13, 2009 (Appendix B).
- Painting and Coatings
 - Use low VOC coatings and high pressure-low volume sprayers.

MM 4.2-2: The City shall require by contract specifications that all diesel-powered equipment used would be retrofitted with after-treatment products (e.g., engine catalysts and other technologies available at the time construction commences) to the extent that they are readily available and cost effective when construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.

MM 4.2-3: The City shall require by contract specifications that alternative fuel construction equipment (e.g., compressed natural gas, liquid petroleum gas, and unleaded gasoline) would be utilized to the extent feasible at the time construction activities commence. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.

MM 4.2-4: The City shall require that developers within the project site use locally available building materials such as concrete, stucco, and interior finishes for construction of the project and associated infrastructure.

MM 4.2-5: The City shall require developers within the project site to establish a construction management plan with Rainbow Disposal to divert a target of 50% of construction, demolition, and site clearing waste.

MM 4.6-6: The City shall require by contract specifications that construction equipment engines will be maintained in good condition and in proper tune per manufacturer's specification for the duration of construction. Contract specifications shall be

included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.

MM 4.2-7: The City shall require by contract specifications that construction-related equipment, including heavy-duty equipment, motor vehicles, and portable equipment, shall be turned off when not in use for more than five minutes. Diesel-fueled commercial motor vehicles with gross vehicular weight ratings of greater than 10,000 pounds shall be turned off when not in use for more than five minutes. Contract specifications shall be included in the proposed project construction documents, which shall be approved by the City of Huntington Beach.

MM 4.2-8: The City shall require that any new development within the Specific Plan area provide signs within loading dock areas clearly visible to truck drivers. These signs shall state that trucks cannot idle in excess of five minutes per trip.

MM 4.2-9: The City shall require by contract specifications that electrical outlets are included in the building design of future loading docks to allow use by refrigerated delivery trucks. Future project-specific applicants shall require that all delivery trucks do not idle for more than five minutes. If loading and/or unloading of perishable goods would occur for more than five minutes, and continual refrigeration is required, all refrigerated delivery trucks shall use the electrical outlets to continue powering the truck refrigeration units when the delivery truck engine is turned off.

MM 4.2-10: The City shall require that any new development within the project site provide a bulletin board or a kiosk in the lobby of each proposed structure that identifies the locations and schedules of nearby transit opportunities.

MM 4.2-11: The property owner/developer of individual projects within the DTSP will reduce operation-related emissions through implementation of practices identified in SCAQMD's CEQA Handbook and the URBEMIS v9.2.4, some of which overlap. Specific measures are delineated in the DTSP Air Quality Assessment (Volume II, Appendix B).

MM 4.2-12: The following measures, based on these sources, shall be implemented by the property applicant to reduce criteria pollutant emissions from projects associated with the DTSP Update. Additionally, support and compliance with the AQMP for the basin are the most important measures to achieve this goal. The AQMP includes improvement of mass transit facilities and implementation of vehicular usage reduction programs. Additionally, energy conservation measures are included.

- Transportation Demand Management (TDM) Measures

1. Provide adequate ingress and egress at all entrances to public facilities to minimize vehicle idling at curbsides. Presumably, this measure would improve traffic flow into and out of the parking lot. The air quality benefits are incalculable because more specific data is required.
2. Provide dedicated turn lanes as appropriate and provide roadway improvements at heavily congested roadways. Again, the areas where this measure would be applicable are the intersections in and near the project area. Presumably, these measures would improve traffic flow. Emissions would drop as a result of the higher traffic speeds, but to an unknown extent.
3. Synchronize traffic signals. The areas where this measure would be applicable are roadway intersections within the project area. This measure would be more effective if the roadways beyond the project limits are synchronized as well. The air quality benefits are incalculable because more specific data is required.
4. Ensure that sidewalks and pedestrian paths are installed throughout the project area.

- Energy Efficient Measures

1. Improve thermal integrity of the buildings and reduce thermal load with automated time clocks or occupant sensors. Reducing the need to heat or cool structures by improving thermal integrity will result in a reduced expenditure of energy and a reduction in pollutant emissions.
2. Install energy efficient street lighting.
3. Capture waste heat and reemploy it in nonresidential buildings. This measure is applicable to the commercial

buildings in the project.

4. Provide lighter color roofing and road materials and tree planting programs to comply with the AQMP Miscellaneous Sources MSC-01 measure. This measure reduces the need for cooling energy in the summer.
5. Introduce window glazing, wall insulation, and efficient ventilation methods.
6. Install low-emission water heaters, and use built-in, energy-efficient appliances.

Biological Resources

MM 4.14-1: Prior to the onset of ground disturbance activities, the project developer shall implement the following mitigation measure which entails nesting surveys and avoidance measures for sensitive nesting and MBTA species, and appropriate agency consultation.

- Nesting habitat for protected or sensitive species:
 1. Vegetation removal and construction shall occur between September 1 and January 31 whenever feasible.
 2. Prior to any construction or vegetation removal between February 15 and August 31, a nesting survey shall be conducted by a qualified biologist of all habitats within 500 feet of the construction area. Surveys shall be conducted no less than 14 days and no more than 30 days prior to commencement of construction activities and surveys will be conducted in accordance with California Department of Fish and Game (CDFG) protocol as applicable. If no active nests are identified on or within 500 feet of the construction site, no further mitigation is necessary. A copy of the pre-construction survey shall be submitted to the City of Huntington Beach. If an active nest of a MBTA protected species is identified onsite (per established thresholds), a 250-foot no-work buffer shall be maintained between the nest and construction activity. This buffer can be reduced in consultation with CDFG and/or U.S. Fish and Wildlife Service.
 3. Completion of the nesting cycle shall be determined by a qualified ornithologist or biologist.

Cultural Resources

MM 4.3-2: During construction activities, if archaeological and/or paleontological resources are encountered, the contractor shall be responsible for immediate notification and securing of the site area immediately. A qualified archaeologist and/or paleontologist approved by the City of Huntington Beach Planning Director shall be retained to establish procedures for temporarily halting or redirecting work to permit sampling, identification, and evaluation of cultural resource finds. If major archaeological and/or paleontological resources are discovered that require long-term halting or redirecting of grading, a report shall be prepared identifying such findings to the City and the County of Orange. Discovered cultural resources shall be offered to the County of Orange or its designee on a first-refusal basis.

MM 4.3-3: During construction activities, if human remains are discovered, work shall be halted and the contractor shall contact the City's designated representative on the project and the Orange County Coroner until a determination can be made as to the likelihood of additional human remains in the area. If the remains are thought to be Native American, the coroner shall notify the Native American Heritage Commission who will ensure that proper treatment and disposition of the remains occurs.

Geology and Soils

MM 4.4-1: Future development in the DTSP area shall prepare a grading plan, subject to review and approval by the City's development services departments, to contain the recommendations of the required final soils and geotechnical report. These recommendations shall be implemented in the design of the project, including but not limited to measures associated with site preparation, fill placement, temporary shoring and permanent dewatering, groundwater seismic design features, excavation stability, foundations, soils stabilization, establishment of deep foundations, concrete slabs and pavements, surface drainage, cement type and corrosion measures, erosion control, shoring and internal bracing, and plan review.

Hazardous Materials

M 4.5-1: The City of Huntington Beach shall require a Phase One assessment on properties within the Downtown Specific Plan

area, including properties utilized for oil production activities, proposed for development to assure that any hazardous materials/contaminated soils present on the property are identified and remediated in accordance with City specifications 422, 429 and 431-92. All native and imported soils associated with a project shall meet the standards outlined in City Specification No. 431-92 prior to approval of grading and building plans by the Huntington Beach Fire Department. Additionally, all work at a project site shall comply with the City's Public Works Department requirements (e.g., haul route permits).

M 4.5-2: In the event that previously unknown or unidentified soil and/or groundwater contamination that could present a threat to human health or the environment is encountered during construction in the project area, construction activities in the immediate vicinity of the contamination shall cease immediately. If contamination is encountered, a Risk Management Plan shall be prepared and implemented that 1) identifies the contaminants of concern and the potential risk each contaminant would pose to human health and the environment during construction and post-development and 2) describes measures to be taken to protect workers and the public from exposure to potential site hazards. Such measures could include a range of options, including, but not limited to, physical site controls during construction, remediation, long-term monitoring, post-development maintenance or access limitations, or some combination thereof. Depending on the nature of contamination, if any, appropriate agencies shall be notified (e.g., Huntington Beach Fire Department). If needed, a Site Health and Safety Plan that meets Occupational Safety and Health Administration requirements shall be prepared and in place prior to commencement of work in any contaminated area.

Hydrology and Water Quality

MM 4.6-1: Prior to issuance of any grading or building permits and/or prior to recordation of any subdivision maps, the applicant of any new development or significant redevelopment projects shall submit to the Department of Public Works a Water Quality Management Plan (WQMP) emphasizing implementation of LID principles and addressing hydrologic conditions of concern. WQMPs shall be in compliance with the current California Regional Water Quality Control Board (RWQCB) Santa Ana Region, Waste Discharge Requirements permit, and all Federal, State and local regulations.

MM 4.6-2: Prior to issuance of any grading or building permits, a hydrology and hydraulic analysis shall be submitted to the Department of Public Works for review and approval (10-, 25-, and 100-year storms and back-to-back storms shall be analyzed). In addition, this study shall include 24-hour peak back-to-back 100-year storms for onsite detention analysis. The drainage improvements shall be designed and constructed as required by the Department of Public Works to mitigate impact of increased runoff due to development, or deficient, downstream systems. Design of all necessary drainage improvements shall provide mitigation for all rainfall event frequencies up to a 100-year frequency.

MM 4.6-4: Prior to the issuance of a building permit, the developer or applicant shall submit detailed Landscape Architectural plans by a State Licensed Landscape Architect that shall include a designed irrigation system that eliminates surface runoff and meets the City's Water Efficient Landscape Ordinance (MC-14.52) requirements and a detailed planting plan that specifies appropriate California Native and other water conserving plants materials. In addition, there shall be a maintenance program submitted that addresses the use of fertilizers and pesticides to meet the requirements of the City Integrated Pest Management, Pesticide and Fertilizer Management Guidelines, the Water Quality Management Plan, and the County Drainage Area Master Plan. These plans shall be reviewed and approved by the City of Huntington Beach Public Works and Planning Departments. The landscaping shall be installed and maintained in conformance with the approved plan, the maintenance program and the City Zoning and Subdivision Ordinance requirements.

Noise

MM 4.8-1: Noise attenuation devices shall be used on all construction equipment, and construction staging areas shall be located as far as possible from any residences or other noise sensitive receptors.

MM 4.8-3: Prior to issuance of building permits, a detailed noise assessment shall be prepared for mixed-use and commercial projects within 50 feet of any residence to ensure that these sources do not exceed the City's Noise Ordinance limits. The assessment shall be prepared by a qualified acoustical engineer and shall document the noise generation characteristics of the proposed equipment and the projected noise levels at the nearest residential use. Compliance with the City's Noise Ordinance shall be demonstrated and any measures required to comply with the Noise Ordinance and reduce impacts to less-than-

significant levels shall be included in the project plans. The report shall be completed and approved by the City prior to issuance of project approval.

Public Services

MM 4.10-1: New construction within the Downtown Specific Plan Area shall be designed to provide for safety measures (e.g., alarm systems, security lighting, other on-site security measures and crime prevention through environmental design policies) and subject to the review and approval of the City Planning Department and Huntington Beach Police Department.

MM 4.10-2: Subject to the City's annual budgetary process, which considers available funding and the staffing levels needed to provide acceptable response time for fire and police services, the City shall provide sufficient funding to maintain the City's standard, average level of service through the use of General Fund monies.

Utilities and Service Systems

MM 4.13-1: To ensure that there are no adverse impacts associated with the future Downtown Specific Plan development projects during construction, Applicant/developer/ builder/contractor shall coordinate with utility and service organizations prior to the commencement of construction.

MM 4.13-2: Individual development projects within the Downtown Specific Plan Area will require connections to existing water, sewer, and utility lines in the City and may require construction of new water pipeline facilities. All connections to existing water and wastewater infrastructure will be designed and constructed per the requirements and standards of the City of Huntington Beach Public Works Department. Connections to any OCSD sewer line shall be designed to OCSD standards. Such installation shall be coordinated, reviewed, and approved by the appropriate City departments and applicable agencies.

MM 4.13-3: Each development project is required to implement separate water conservation measures that support major water conservation efforts. The following water saving technologies can be implemented on a project basis to comply with statewide water goals and water conservation measures that can further assist in meeting the 20% reduction goal.

- Waterless urinals should be specified in all public areas, including restaurants and commercial bathrooms.
- Low-flush toilets should be installed in all new residential units and encouraged through rebates or other incentives in existing homes.
- Low-flow shower heads and water faucets should be required in all new residential and commercial spaces and encouraged in existing developed properties.
- Water efficient kitchen and laundry room appliances should be encourage through rebates for both residential and commercial units.
- Landscaping should be completed with drought tolerant plants and native species.
- Irrigation plans should use smart controllers and have separated irrigation meters.

MM 4.13-4: As individual development occurs within the Downtown Specific Plan area, additional hydraulic studies shall be performed to verify that water pipes will adequately support each specific project. A sewer study shall be prepared for Public Works Department review and approval. A fourteen (14) day or longer flow test data shall be included in the study. The location and number of monitoring test sites, not to exceed three, to be determined by the Public Works Department.

MM 4.13-5: As individual development occurs within the Downtown Specific Plan Area, each development shall be required to pay for the development's fair share of infrastructure improvements to electrical systems per Southern California Edison requirements.

Attachment No. 6

Summary of Mitigation Measures

Description of Impact

Tree relocation

Mitigation Measure

BIO 1 Tree replacement of any existing mature trees on-site shall be done in accordance with the requirements of Chapter 232—Landscape Improvements. For the trees to be relocated, an arborist report shall be submitted and include the following:

- a. Trees shall be transplanted by a qualified tree service to be approved by the City of Huntington Beach Public Works Department.
- b. Detailed specifications and procedures for the translocation of the identified trees.
- c. The relocated trees shall be maintained and guaranteed to be alive and thriving after four years by a qualified tree service or arborist to be approved by the City of Huntington Beach Public Works Department. The trees shall be surveyed every six months for a period of four years as to their viability. The survey shall be submitted to the Public Works Department for review. In the event that any tree is not surviving, it shall be replaced with the same type and size of tree.
- d. A letter from the developer stating that the recommendations of the Consulting Arborist will be followed.

RESPONSES TO COMMENTS

DRAFT MND NO. 11-007

Below is a table listing the comments received during the 30-day public review comment period which commenced Thursday, June 14, 2012 and ended Monday July 16, 2012. Attached are the original comment letters which have been bracketed to isolate the individual or grouping of comments. Comments that address environmental issues are provided with responses. Comments that are outside of the scope of the CEQA review will be forwarded for considerations to the decision makers as part of the project approval process or to the applicant for their information.

COMMENT LETTERS RECEIVED DURING THE DRAFT MND COMMENT PERIOD		
<i>No.</i>	<i>Commenter/Organization</i>	<i>Abbreviation</i>
	STATE DEPARTMENTS	
1	Department of Transportation, Christopher Herre, July 16, 2012	DOT
	CITY ADVISORY BOARD	
2	Huntington Beach Environmental Board, Michael Marshall, June 8, 2012	HBEB
	INDIVIDUALS	
3	Rod Albright, July 16, 2012	ALBR
4	Thomas Connolly, July 16, 2012	CONN
5	Carol McCann, July 16, 2012	CMCC
6	Thomas McCann, July 16, 2012	TMCC
7	FeldSott & Lee, July 16, 2012	FELE
8	Mark Bixby, July 16, 2012	BIXB
9	Eric Yao, July 16, 2012	EYAO
10	Gary Baker, July 16, 2012	BAKE
11	Robert Bryant, July 13, 2012	BRYA
12	Jeff Smith, July 16, 2012	SMIT
13	Bill Garrisi, July 16, 2012	GARR

RESPONSES TO COMMENTS ON DRAFT MND NO. 11-007

STATE DEPARTMENT

DEPARTMENT OF TRANSPORTATION (DOT), JULY 16, 2012

- DOT-1 The comment provides direction for the applicant to utilize the latest version of the Highway Capacity Manual (HCM) when analyzing traffic impacts on State Transportation Facilities. If the project requires an encroachment permit, Traffic Operations may find the Traffic Impact Study based on ICU methodology inadequate resulting in delay or denial of a permit by the Department. The comment will be forwarded to the applicant for their information.
- DOT-2 The comment provides direction and information regarding obtaining an encroachment permit. The comment will be forwarded to the applicant for their information.
- DOT-3 The comment describes permit jurisdiction and requirements within the Department's Right-of-Way. The comment will be forwarded to the applicant for their information.

CITY ADVISORY BOARD

HUNTINGTON BEACH ENVIRONMENTAL BOARD (HBEB), JULY 17, 2012

- HBEB-1 The comment provides introductory or general information regarding the project and is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.
- HBEB-2 The comment suggests that the traffic study is not sufficiently documented; however, the comment does not further describe how or why. Because of lack of information, this is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.
- HBEB-3 The comment suggests that flooding is not addressed. Section IVc of the Draft MND describes the site as a flat developed property with existing drainage flow toward the east into existing storm drains. Stormwater runoff flow as a result of development of the project will maintain similar preexisting drainage conditions. The majority of the storm water flow will be diverted to a new on-site storage tank via retrofitted on-site catch basins and then pumped into proposed cooling towers and reused. The project will not result in new impervious area which could result in flooding. Additionally the site is not located in a FEMA designated flood zone.
- HBEB-4 The comment suggests that there is a large expanse of west facing glass windows and no Title 24 information was provided. The applicant will be required to comply with Title 24 requirements as part of building permit review. The comment will be forwarded to the applicant for their information.
- HBEB-5 The comment suggests that no accommodation has been made for the removal of existing public areas and open space. The project proposes to remove some existing open spaces area; however the remaining area satisfies minimum open space requirement.
- HBEB-6 The comment suggests that bird strike protection be imposed through mitigation. This comment will be forwarded to the applicant and Planning Commission for their information.
- HBEB-7 The comment suggests reference to recycling collection containers during operation and construction phase of the project. The project will be required to comply with Section 3.2.19 Refuse and Recycling Collection Areas of the DTSP as well as any State mandated requirements. The comment will be forwarded to the applicant for their information.
- HBEB-8 The comment suggests that the reference to the CA Integrated Waste Management Board (CIWMB) is in error and that the correct State oversight agency is The California Department of Resources Recycling and Recovery

(CalRecycle). The reference to CalRecycle has been noted and as noted above, the project will be required to comply with Section 3.2.19 Refuse and Recycling Collection Areas of the DTSP as well as any State mandated requirements. The comment will be forwarded to the applicant for their information.

- HBEB-9 Comment suggests that justification for accepting the Level of Service, lack of parking, public shuttle services, and related mobility topics is not provided. The comment will be forwarded to the applicant for their information.
- HBEB-10 The comment suggests that the owner take recommended steps to reduce stormwater runoff through landscaping, retention, green roof strategies, etc., along with employing sustainable restaurant best practices. Stormwater runoff flow as a result of development of the project will maintain similar preexisting drainage conditions, with a majority of the storm water flow to be diverted to a new on-site storage tank via retrofitted on-site catch basins and then pumped into proposed cooling towers and reused. The comment will be forwarded to the applicant for their information.
- HBEB-11 The comment suggests utilizing LEED practices for energy efficiency with window placement, screening, tinting, awnings, landscaping, etc. Development projects are encouraged to incorporate sustainable or "green" building practices (LEED or Building It Green) into the design of the proposed structures and associated site improvements as a recommended condition of approval. The comment will be forwarded to the applicant and decision-makers prior to their consideration for the proposed project.
- HBEB-12 The comment suggests accommodation for public areas with seating, bicycle parking and community art installations. The project includes concrete bench/barrier seating along PCH; is required to provide bicycle racks onsite in accordance with Section 3.2.26.5 of the DTSP and public art currently exists within the southwestern plaza area of the site. The comment will be forwarded to the applicant for their information.
- HBEB-13 The comment suggests that adequate enclosures for both refuse and recycling be included along with collection containers and service contracts and compliance with AB341. The project will be required to comply with Section 3.2.19 Refuse and Recycling Collection Areas of the DTSP as well as any State mandated requirements. The comment will be forwarded to the applicant for their information.
- HBEB-14 The comment suggests the addition of onsite recycling throughout the duration of the project and a portion of the construction and demolition waste is utilized for public art. The comment will be forwarded to the applicant for their information.

- HBEB-15 The comment suggests the recycling of construction and demolition materials which will significantly address carbon emissions. The comment will be forwarded to the applicant for their information.

INDIVIDUAL

▪ ROD ALBRIGHT (ALBR), JULY 16, 2012

- ALBR-1 The comment provides introductory or general information regarding the project and is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue.
- ALBR-2 The comment provides introductory or general information regarding the project and is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue.
- ALBR-3 The comment suggests that the original approval recognized that the residential and commercial portions should maintain separation and that the proposed development exceeds the maximum site coverage. CUP No. 88-7 and CDP No. 88-3 was approved with an approximately 40' to 50' clear passageway between the residential and commercial portions of the project. The applicant proposes to maintain the existing passageway width of approximately 40' to 50'. Additionally, Section 3.3.1.4 Development Standards of the DTSP does not require maximum site coverage.
- ALBR-4 The comment suggests that the number of residential units was reduced from 160 to 130 to accommodate greater separation from the commercial portion and to provide greater view opportunities. The DTSP does not require the preservation of private view opportunities; however, staff is recommending that the Design Review Board review the project with regard to massing to ensure compatibility with the existing Pierside Pavilion building and adjacent buildings.

▪ THOMAS CONNOLLY (CONN), JULY 16, 2012

- CONN-1 The comment suggests that per Section 3.2.21 of the DTSP, residential buffers shall be applied. This requirement references Figure 3-10 which delineates where residential buffers shall apply. The area between Pierside Pavilion and Pier colony is not delineated as requiring a residential buffer.
- CONN-2 The comment suggests that public open space and ground floor visitor-serving uses are required. The project will comply with Section 3.3.1.15 Public Open Space and Section 3.3.1.3 Permitted Uses of the DTSP. Staff concurs that visitor-serving commercial uses are required for all ground floor square footage in the District 1 Visitor Serving Commercial Overlay. Staff is

recommending a condition of approval that would require any reference to new office area on the 1st floor to be removed from the plans.

- CONN-3 The comment suggests Section 3.3.1.15 Public Open Space of the DTSP is not being met and that Pier Colony landscaping area is being counted. The project includes calculating the area of the existing development. With that, approximately 3,833 sq. ft. of public open space is required and approximately 5,760 sq. ft. is provided. 30% of the required public open space shall contain landscaping (approximately 1,150 sq. ft.); approximately 1,156 sq. ft. is provided satisfying this code requirement.
- CONN-4 The comment suggests that per Section 3.3.1.14 Public Views of the DTSP has not been provided. Sheet A-11.1 of the submitted plans dated May 4, 2012 provides a graphic representation of a public view analysis. The comment will be forwarded to the decision-makers prior to their consideration for the proposed project.
- CONN-5 The comment suggests that the proposed development extends to approximately 10' from PCH, replacing a large public open space area which provides pedestrian relief. The setback requirement along PCH is 0' minimum and 5' maximum. The project includes a 2'-3" setback after dedication along PCH. The plans dated May 4, 2012 show an approximately 15' clear passageway along the PCH frontage. However, staff does recognize that this may become congested during peak times and is suggesting conditions of approval to keep the pedestrian passageway free and clear of obstructions.
- CONN-6 The comment suggests that the downtown be a pedestrian oriented environment. As noted above, staff is recommending conditions of approval to keep the pedestrian passageway free and clear of obstructions.
- CONN-7 The comment suggests that the pedestrian corridor between Pier Colony and Pierside Pavilion will be narrowed. The project will maintain the existing approximately 40' to 50' width along the corridor (including infill expansion within existing arcades up to existing columns) and continue that width between the proposed building expansion and Pier Colony.
- CONN-8 The comment questions the validity of the Noise study. The commenter implies that a noise study during peak conditions (between Memorial Day and Labor Day) would produce increased project impacts. The inverse is actually true, when the project is added to a lower background ambient noise levels, the project only impacts are actually greater. The reference noise level measurements used to identify the off-site project operational impacts were measured at 77.3 dBA at a distance of 20 feet. This is equivalent to the unmitigated exterior noise levels at a distance of 20 feet from a major 6-lane freeway. In other words, regardless of when or where the noise level measurements were collected, they represent a worst-case noise level to assess

the potential project related impacts. Tables 7-3 and 7-4 of the Noise Study both show that the existing ambient noise levels (which would be higher between Memorial Day and Labor Day) overshadow the expected daytime and nighttime noise level impacts associated with the proposed project. In other words, the existing conditions are 6.9 to 10.0 dBA louder than the expected project noise levels. The comment will be forwarded to the applicant and decision-makers prior to their consideration for the proposed project.

- CONN-9 The comment suggests that the Noise Study did not accurately account for construction noise. Although there may be some temporary groundbourne vibration or groundbourne noise levels due to onsite construction activities, these would occur infrequently and would be short-term. Occasionally, large bulldozers and loaded trucks may cause perceptible vibration levels at close proximity. The project will include the installation of structural helical piers (or piles) for underpinning of some of the existing footings. These are steel elements (rods, tubes, etc.) that have welded on to them several steel bearing elements shaped in a helical pattern. The method of installation is by screwing the steel elements into the ground by a mini-bobcat with a screw rig attached to the nose, which would only occur within the existing subterranean parking structure. This construction method is substantially less invasive than the more typical construction method involving high levels of noise and vibration from the use of a pile driver and drill rig. Because the proposed project is not expected to employ any pile driving or drilling, rock blasting or heavy grading equipment and with residential uses located greater than 10-feet from construction activities, impacts from groundborne vibration are anticipated to be less than significant. Furthermore, these activities will be required to comply with the City Noise Ordinance. The comment will be forwarded to the applicant and decision-makers prior to their consideration for the proposed project.
- CONN-10 The comment suggests that the contrasting contemporary design is a departure from the existing Mediterranean style. The project's design intent is to contrast with the surrounding architecture. However, staff is suggesting a condition of approval that requires the Design Review Board (DRB) to review the design with regard to massing and architectural compatibility. The comment will be forwarded to the applicant and decision-makers prior to their consideration for the proposed project.
- CONN-11 The comment suggests that a Traffic Study was submitted. A traffic study was submitted and prepared by Minagar & Associates, Inc. (February 2012). The findings can be found in Section VI. Transportation/Traffic of the Draft MND.
- CONN-12 The comment contains concluding or general information. It is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

▪ CAROL MCCANN (CMCC), JULY 16, 2012

- CMCC-1 The comment provides introductory, general information, or opinion regarding the project and is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue.
- CMCC-2 The comment suggests that the project would negatively impact public views and states that setbacks may be increased and site coverage, density and building heights may be reduced as necessary to protect public views of the ocean. The project proposed to maintain the existing corridor width; however private views may be obstructed. Protection of private views is not required pursuant to the DTSP.
- CMCC-3 The comment provides introductory, general information, or opinion regarding the project and is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue.

▪ THOMAS MCCANN (TMCC), JULY 16, 2012

- TMCC-1 The comment provides introductory, general information, or opinion regarding the project and is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue
- TMCC-2 The comment suggests that the noise study is flawed. The commenter implies that a noise study during peak conditions (between Memorial Day and Labor Day) would produce increased project impacts. The inverse is actually true, when the project is added to a lower background ambient noise levels, the project only impacts are actually greater. The reference noise level measurements used to identify the off-site project operational impacts were measured at 77.3 dBA at a distance of 20 feet. This is equivalent to the unmitigated exterior noise levels at a distance of 20 feet from a major 6-lane freeway. Therefore, regardless of when or where the noise level measurements were collected, they represent a worst-case noise level to assess the potential project related impacts. Tables 7-3 and 7-4 of the Noise Study both show that the existing ambient noise levels (which would be higher between Memorial Day and Labor Day) overshadow the expected daytime and nighttime noise level impacts associated with the proposed Pierside Pavilion project. In other words, the existing conditions are 6.9 to 10.0 dBA louder than the expected project noise levels.

TMCC-3 The comment provides introductory, general information, or opinion regarding the project and is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue.

▪ **FELDSOTT & LEE (FELE), JULY 16, 2012**

FELE-1 The comment provides introductory, general information, or opinion regarding the project and is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue.

FELE-2 The comment suggests that noise & traffic impacts have not been addressed. As noted in Section X Noise, a Noise Impact Analysis was prepared by Urban Crossroads to evaluate the noise impacts associated with the proposed project during construction and operation. During site grading for the new building and other construction phases of the project, noise levels on the site may increase from normal construction vehicles such as concrete trucks and a backhoe as well as other equipment and tools typically used on construction sites. Construction of the project will create short-term noise impacts. However, the development will be required to comply with the City Noise Ordinance (Chapter 8.40 Noise Control), which restricts hours of construction to reduce noise impacts to the area to a less than significant level. Though the City exempts construction noise, the proposed project will incorporate the construction mitigation measures that were included in the DTSP Program EIR to further reduce noise at the nearby noise-sensitive residents. Long-term noise impacts from the project are subject to compliance with the City Noise Ordinance as well but are not expected to be a concern due to the proposed uses, which are compatible with the character of the area and will not result in any significant noise impact.

As noted in Section VI Transportation/Traffic of the Draft MND, construction traffic resulting from development of the project may result in short-term interruptions to traffic circulation including pedestrian and bicycle flow. However, the project schedule would avoid peak season traffic. Based on the project schedule and scope of project construction short-term interruptions to traffic are not considered to be significant. In addition, short-term construction impacts may be reduced through implementation of code requirements requiring the approval of a construction vehicle control plan by the Department of Public Works.

FELE-3 The comment suggests that increased vehicular and pedestrian traffic will occur. As noted in Section VI Transportation/Traffic of the Draft MND, a traffic study by Minagar & Associates, Inc. was conducted for the project to determine the potential impacts of the proposed development on nearby intersection operations, traffic, safety, downtown master plan street

design, parking requirements and pedestrian access. The study finds that the project adequately meets the requirements of the Downtown Specific Plan and the parking provisions specified in the Owner Participation Agreement (OPA) and that the project will not adversely alter traffic operations on the surrounding transportation system.

A total of 530 parking spaces are required for the project (90 spaces for retail, 288 spaces for restaurant, and 152 spaces for office) pursuant to Section 3.2.26 of the DTSP. The property is allocated up to 300 of the 826 parking spaces within the adjacent municipal parking structure located at 200 Main Street. 296 parking spaces will be provided on-site within the existing subterranean parking area and 234 parking spaces will be utilized within the adjacent Municipal parking structure for a total of 530 parking spaces. During construction, up to 20 parking spaces within the existing on-site subterranean parking area will be disrupted and unavailable. However, there is currently a surplus of available parking ($300-234=66$ spaces) within the Municipal parking structure that is allocated to the project to offset this temporary deficiency. The proposed project has been designed according to City parking regulations and has sufficient parking spaces

- FELE-4 The comment suggests that the project will have a negative effect on home values however this is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue.
- FELE-5 The comment contains concluding or general information. It is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue.

▪ **MARK BIXBY (BIXB), JULY 16, 2012**

- BIXB-1 The comment refers to the conceptual plans dated May 4, 2012 which depicts new office area on the ground floor. Section 3.3.1.3 Permitted Uses of the DTSP requires that visitor-serving commercial uses are required for all ground floor square footage in the District 1 Visitor Serving Commercial Overlay. Staff is recommending a condition of approval that would require any reference to new office area on the 1st floor to be removed from the plans.
- BIXB-2 The comment suggests that potential bird strikes against glass or other reflective materials may be an issue after construction. Staff is recommending a condition of approval that requires DRB review of the proposed design including colors, and materials. This issue will be discussed and possible solutions may include smaller or gridded window systems, anti-bird adhesive stickers, or other methods may be determined. This concern has been forwarded to the applicant for review and comment.

BIXB-3 The comment suggests that potential shade and shadow impacts to Pier Colony was not studied. As noted the DTSP lacks a shade/shadow mitigation measure, but does include mitigation measure CR 4.1-1 that limits light spill onto adjacent properties. This concern has been forwarded to the applicant for review and comment.

BIXB-4 The comment includes a chronology of events related to the vacation of 3rd Street and whether a view corridor exists or if view corridor requirements apply. The comment suggests that the original project approvals were dependant on and therefore additional development requirements (including street vacations – view corridor requirements) were imposed once the proposed revisions to the DTSP were approved. CUP No. 88-7 and CDP No. 88-3 were not in effect until the revisions to the DTSP were approved; however this requirement was not intended to impose the new (and undetermined at the time) revisions to the DTSP. CUP No. 88-7 and CDP No. 88-3 was approved with an approximately 40' to 50' clear passageway and not the width of the former 3rd Street (60') between Walnut Avenue and PCH. As noted in the comment, the separation between the residential portions of the project and the adjacent visitor-serving uses was planned and designed; however it was not due to the Street Vacation and view corridor requirement as enacted by Ordinance 2942. The applicant proposes to maintain the existing and originally approved separation and corridor width.

Additionally, 3rd Street was originally established as a 60' right-of-way on the original Pacific City Tract Map (July 1901). The vacation of 3rd Street occurred via Tract Map No. 13722 as stated in the City Clerk's Certificate of Pierside Pavilion. However, the majority of 3rd Street (30 feet north + 17.09 feet south of the former street centerline) right-of-way was vacated in a similar fashion on Tract Map No. 13478. Both maps show recordation on same date (August 2, 1989) within approximately 1 hour of each other.

▪ **ERIC YAO (EYAO), JULY 16, 2012**

EYAO-1 The comment provides introductory or general information regarding the project and is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

EYAO-2 The comment suggests that per Section 3.2.21 of the DTSP residential buffers shall be applied. This requirement references Figure 3-10 which delineates where residential buffers shall apply. The area between Pierside Pavilion and Pier colony is not delineated as requiring a residential buffer.

EYAO-3 The comment suggests that public open space and ground floor visitor-serving uses are required. The project will comply with Section 3.3.1.15 Public Open Space and Section 3.3.1.3 Permitted Uses of the DTSP. Staff concurs that visitor-serving commercial uses are required for all ground floor square

footage in the District 1 Visitor Serving Commercial Overlay. Staff is recommending a condition of approval that would require any reference to new office area on the 1st floor to be removed from the plans.

- EYAO-4 The comment suggests Section 3.3.1.15 Public Open Space of the DTSP is not being met and that Pier Colony landscaping area is being counted. The project includes calculating the area of the existing development. With that, approximately 3,833 sq. ft. of public open space is required and approximately 5,760 sq. ft. is provided. 30% of the required public open space shall contain landscaping (approximately 1,150 sq. ft.); approximately 1,156 sq. ft. is provided satisfying this code requirement.
- EYAO-5 The comment suggests that per Section 3.3.1.14 Public Views of the DTSP has not been provided. Sheet A-11.1 of the submitted plans dated May 4, 2012 provides a graphic representation of a public view analysis. The comment will be forwarded to the decision-makers prior to their consideration for the proposed project.
- EYAO-6 The comment suggests that the proposed development extends to approximately 10' from PCH, replacing a large public open space area which provides pedestrian relief. The setback requirement along PCH is 0' minimum and 5' maximum. The project includes a 2'-3" setback after property dedication along PCH. The plans dated May 4, 2012 show an approximately 15' clear passageway along the PCH frontage. However, staff does recognize that this may become congested during peak times and is suggesting conditions of approval to keep the pedestrian passageway free and clear of obstructions.
- EYAO-7 The comment suggests that the downtown be a pedestrian oriented environment. As noted above, staff is recommending conditions of approval to keep the pedestrian passageway free and clear of obstructions.
- EYAO-8 The comment suggests that the pedestrian corridor between Pier Colony and Pierside Pavilion will be narrowed. The project would maintain the existing approximately 40' to 50' width along the corridor (including infill expansion within existing arcades up to existing columns) and continue that width between the expansion building and Pier Colony.
- EYAO-9 The comment questions the validity of the Noise study. The commenter implies that a noise study during peak conditions (between Memorial Day and Labor Day) would produce increased project impacts. The inverse is actually true, when the project is added to a lower background ambient noise levels, the project only impacts are actually greater. The reference noise level measurements used to identify the off-site project operational impacts were measured at 77.3 dBA at a distance of 20 feet. This is equivalent to the unmitigated exterior noise levels at a distance of 20 feet from a major 6-lane

freeway. In other words, regardless of when or where the noise level measurements were collected, they represent a worst-case noise level to assess the potential project related impacts. Tables 7-3 and 7-4 of the Noise Study both show that the existing ambient noise levels (which would be higher between Memorial Day and Labor Day) overshadow the expected daytime and nighttime noise level impacts associated with the proposed project. In other words, the existing conditions are 6.9 to 10.0 dBA louder than the expected project noise levels. The comment will be forwarded to the applicant and decision-makers prior to their consideration for the proposed project.

- EYAO-10 The comment suggests that the Noise Study did not accurately account for construction noise. Although there may be some temporary groundbourne vibration or groundbourne noise levels due to onsite construction activities, these would occur infrequently and would be short-term. Occasionally, large bulldozers and loaded trucks may cause perceptible vibration levels at close proximity. The project will include the installation of structural helical piers (or piles) for underpinning of some of the existing footings. These are steel elements (rods, tubes, etc.) that have welded on to them several steel bearing elements shaped in a helical pattern. The method of installation is by screwing the steel elements into the ground by a mini-bobcat with a screw rig attached to the nose, which would only occur within the existing subterranean parking structure. This construction method is substantially less invasive than the more typical construction method involving high levels of noise and vibration from the use of a pile driver and drill rig. Because the proposed project is not expected to employ any pile driving or drilling, rock blasting or heavy grading equipment and with residential uses located greater than 10-feet from construction activities, impacts from groundborne vibration are anticipated to be less than significant. Furthermore, these activities will be required to comply with the City Noise Ordinance. The comment will be forwarded to the applicant and decision-makers prior to their consideration for the proposed project.
- EYAO-11 The comment suggests that the contrasting contemporary design is a departure from the existing Mediterranean style. The project's design intent is to contrast with the surrounding architecture. However, staff is suggesting a condition of approval that requires the Design Review Board (DRB) to review the design with regard to massing and architectural compatibility. The comment will be forwarded to the applicant and decision-makers prior to their consideration for the proposed project.
- EYAO-12 The comment suggests that a Traffic Study was submitted. A traffic study was submitted and prepared by Minagar & Associates, Inc. (February 2012). The findings can be found in Section VI. Transportation/Traffic of the Draft MND.

EYAO-13 The comment contains concluding or general information. It is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

▪ **GARY BAKER (BAKE), JULY 16, 2012**

BAKE-1 The comment suggests that noise impacts will be increased. As noted in Section X Noise, a Noise Impact Analysis was prepared by Urban Crossroads to evaluate the noise impacts associated with the proposed project during construction and operation. During site grading for the new building and other construction phases of the project, noise levels on the site may increase from normal construction vehicles such as concrete trucks and a backhoe as well as other equipment and tools typically used on construction sites. Construction of the project will create short-term noise impacts. However, the development will be required to comply with the City Noise Ordinance (Chapter 8.40 Noise Control), which restricts hours of construction to reduce noise impacts to the area to a less than significant level. Though the City exempts construction noise, the proposed project will incorporate the construction mitigation measures that were included in the DTSP Program EIR to further reduce noise at the nearby noise-sensitive residents. Long-term noise impacts from the project are subject to compliance with the City Noise Ordinance as well but are not expected to be a concern due to the proposed uses, which are compatible with the character of the area and will not result in any significant noise impact.

BAKE-2 The comment suggests that the project will create a potential for crime. The City's Police Department has reviewed the plans and has found that the project will eliminate some of the existing under-arcade hiding places and provide better security and pedestrian lighting.

BAKE-3 The comment suggests that traffic congestion will be increased. As noted in Section VI Transportation/Traffic of the Draft MND, a traffic study by Minagar & Associates, Inc. was conducted for the project to determine the potential impacts of the proposed development on nearby intersection operations, traffic, safety, downtown master plan street design, parking requirements and pedestrian access. The study finds that the project adequately meets the requirements of the Downtown Specific Plan and the parking provisions specified in the Owner Participation Agreement (OPA) and that the project will not adversely alter traffic operations on the surrounding transportation system.

A total of 530 parking spaces are required for the project (90 spaces for retail, 288 spaces for restaurant, and 152 spaces for office) pursuant to Section 3.2.26 of the DTSP. The property is allocated up to 300 of the 826 parking spaces within the adjacent municipal parking structure located at 200 Main Street. 296 parking spaces will be provided on-site within the existing

subterranean parking area and 234 parking spaces will be utilized within the adjacent Municipal parking structure for a total of 530 spaces. During construction, up to 20 parking spaces within the existing on-site subterranean parking area will be disrupted and unavailable. However, there is a surplus of available parking ($300-234=66$ spaces) within the Municipal parking structure that is allocated to the project to offset this temporary deficiency. The proposed project has been designed according to City parking regulations and has sufficient parking spaces

BAKE-4 The comment suggests that the project will decrease property value of Pier Colony and that the proposed architecture is not compatible with existing downtown architecture and diminishes Pier Colony ocean views. The DTSP does not require the preservation of private view opportunities; however, staff is recommending that the Design Review Board review the project with regard to massing and architecture to ensure compatibility with the existing Pierside Pavilion building and adjacent buildings.

BAKE-5 The comment suggests that the original approval recognized that the residential and commercial portions should maintain separation; and that the proposed development exceeds the maximum site coverage. CUP No. 88-7 and CDP No. 88-3 was approved with an approximately 40' to 50' clear passageway between the residential and commercial portions of the project. The applicant proposes to maintain the existing passageway width of approximately 40' to 50'. Additionally, Section 3.3.1.4 Development Standards of the DTSP does not require maximum site coverage.

BAKE-6 The comment suggests that the number of residential units was reduced from 160 to 130 to accommodate greater separation from the commercial portion and to provide greater view opportunities. The DTSP does not require the preservation of private view opportunities; however, staff is recommending that the Design Review Board review the project with regard to massing to ensure compatibility with the existing Pierside Pavilion building and adjacent buildings.

▪ **ROBERT BRYANT (BRYA), JULY 13, 2012**

BRYA-1 This comment letter provides introductory, general information, or opinion regarding the project, and is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue.

▪ **JEFF SMITH (SMIT), JULY 16, 2012**

SMIT-1 This comment letter provides introductory, general information, or opinion regarding the project, and is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

SMIT-2 The comment suggests that the noise analysis is flawed. As noted in Section X Noise, a Noise Impact Analysis was prepared by Urban Crossroads to evaluate the noise impacts associated with the proposed project during construction and operation. During site grading for the new building and other construction phases of the project, noise levels on the site may increase from normal construction vehicles such as concrete trucks and a backhoe as well as other equipment and tools typically used on construction sites. Construction of the project will create short-term noise impacts. However, the development will be required to comply with the City Noise Ordinance (Chapter 8.40 Noise Control), which restricts hours of construction to reduce noise impacts to the area to a less than significant level. Though the City exempts construction noise, the proposed project will incorporate the construction mitigation measures that were included in the DTSP Program EIR to further reduce noise at the nearby noise-sensitive residents. Long-term noise impacts from the project are subject to compliance with the City Noise Ordinance as well but are not expected to be a concern due to the proposed uses, which are compatible with the character of the area and will not result in any significant noise impact.

▪ **BILL GARRISI (GARR), JULY 16, 2012**

GARR-1 This comment letter provides introductory or general information regarding the project, and is not a direct comment on the content or adequacy of the Draft MND, and does not raise any specific environmental issue.

GARR-2 The comment suggests that per Section 3.2.21 of the DTSP, residential buffers shall be applied. This requirement references Figure 3-10 which delineates where residential buffers shall apply. The area between Pierside Pavilion and Pier colony is not delineated as requiring a residential buffer.

GARR-3 The comment suggests that public open space and ground floor visitor-serving uses are required. The project will comply with Section 3.3.1.15 Public Open Space of the DTSP and staff concurs that visitor-serving commercial uses are required for all ground floor square footage in the District 1 Visitor Serving Commercial Overlay. Staff is recommending a condition of approval that would require any reference to new office area on the 1st floor to be removed from the plans.

GARR-4 The comment suggests Section 3.3.1.15 Public Open Space of the DTSP is not being met and that Pier Colony landscaping area is being counted. The project includes calculating the area of the existing development. With that, approximately 3,833 sq. ft. of public open space is required and approximately 5,760 sq. ft. is provided. 30% of the required public open space shall contain landscaping (approximately 1,150 sq. ft.); approximately 1,156 sq. ft. is provided satisfying this requirement.

- GARR-5 The comment suggests that per Section 3.3.1.14 Public Views of the DTSP has not been provided. Sheet A-11.1 of the submitted plans dated May 4, 2012 provides a graphic representation of a public view analysis. The comment will be forwarded to the decision-makers prior to their consideration for the proposed project.
- GARR-6 The comment suggests that the proposed development extends to approximately 10' from PCH, replacing a large public open space area which provides pedestrian relief. The setback requirement along PCH is 0' minimum and 5' maximum. The project includes a 2'-3" setback after property dedication along PCH. The plans dated May 4, 2012 show an approximately 15' clear passageway along the PCH frontage. However, staff does recognize that this may become congested during peak times and is suggesting conditions of approval to keep the pedestrian passageway free and clear of obstructions.
- GARR-7 The comment suggests that the downtown be a pedestrian oriented environment. As noted above, staff is recommending conditions of approval to keep the pedestrian passageway free and clear of obstructions.
- GARR-8 The comment suggests that the pedestrian corridor between Pier Colony and Pierside Pavilion will be narrowed. The project would maintain the existing approximately 40' to 50' width along the corridor (including infill expansion within existing arcades up to existing columns) and continue that width between the expansion building and Pier Colony.
- GARR-9 The comment questions the validity of the Noise study. The commenter implies that a noise study during peak conditions (between Memorial Day and Labor Day) would produce increased project impacts. The inverse is actually true, when the project is added to a lower background ambient noise levels, the project only impacts are actually greater. The reference noise level measurements used to identify the off-site project operational impacts were measured at 77.3 dBA at a distance of 20 feet. This is equivalent to the unmitigated exterior noise levels at a distance of 20 feet from a major 6-lane freeway. In other words, regardless of when or where the noise level measurements were collected, they represent a worst-case noise level to assess the potential project related impacts. Tables 7-3 and 7-4 of the Noise Study both show that the existing ambient noise levels (which would be higher between Memorial Day and Labor Day) overshadow the expected daytime and nighttime noise level impacts associated with the proposed project. In other words, the existing conditions are 6.9 to 10.0 dBA louder than the expected project noise levels. The comment will be forwarded to the applicant and decision-makers prior to their consideration for the proposed project.

- GARR-10 The comment suggests that the Noise Study did not accurately account for construction noise. Although there may be some temporary groundbourne vibration or groundbourne noise levels due to onsite construction activities, these would occur infrequently and would be short-term. Occasionally, large bulldozers and loaded trucks may cause perceptible vibration levels at close proximity. The project will include the installation of structural helical piers (or piles) for underpinning of some of the existing footings. These are steel elements (rods, tubes, etc.) that have welded on to them several steel bearing elements shaped in a helical pattern. The method of installation is by screwing the steel elements into the ground by a mini-bobcat with a screw rig attached to the nose, which would only occur within the existing subterranean parking structure. This construction method is substantially less invasive than the more typical construction method involving high levels of noise and vibration from the use of a pile driver and drill rig. Because the proposed project is not expected to employ any pile driving or drilling, rock blasting or heavy grading equipment and with residential uses located greater than 10-feet from construction activities, impacts from groundborne vibration are anticipated to be less than significant. Furthermore, these activities will be required to comply with the City Noise Ordinance. The comment will be forwarded to the applicant and decision-makers prior to their consideration for the proposed project.
- GARR-11 The comment suggests that the contrasting contemporary design is a departure from the existing Mediterranean style. The project's design intent is to contrast with the surrounding architecture. However, staff is suggesting a condition of approval that requires the Design Review Board (DRB) to review the design with regard to massing and architectural compatibility. The comment will be forwarded to the applicant and decision-makers prior to their consideration for the proposed project.
- GARR-12 The comment suggests that a Traffic Study was submitted. A traffic study was submitted and prepared by Minagar & Associates, Inc. (February 2012). The findings can be found in Section VI. Transportation/Traffic of the Draft MND.
- GARR-13 The comment contains concluding or general information. It is not a direct comment on the content or adequacy of the Draft MND and does not raise any specific environmental issue.

July 16, 2012



Ethan Edwards
Associate Planner
City of Huntington Beach Planning and Building Department
2000 Main Street
Huntington Beach, CA 92648

RECEIVED

JUL 16 2012

Dept. of Planning
& Building



Rod Albright
200 PCH # 141
Huntington Beach, CA 92648

Dear Mr. Edwards:

I want to document my opposition to the adoption of the Mitigated Negative Declaration of the Pierside Pavilion Expansion Project (300 Pacific Coast Highway, Huntington Beach, CA).

My wife and I have lived in Huntington Beach at Pier Colony for more than 20 years. During that time there have been many businesses that have failed on that side of the Pierside Pavilion. Retail space on the first floor at this corner has been mostly vacant. We believe that serious safety issues will occur as a result of the proposed modification to Pierside Pavilion. Moving storefronts closer to Pacific Coast Highway and closing off the open area at the south east corner will severely limit the space between Pier Colony, Pierside Pavilion and Pacific Coast Highway.

ALB-1

In the Downtown Specific Plan 2.5.6 Special permits shall only be allowed when, in the opinion of the approval authority, significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. It goes on to state that it not to be detrimental to the general health, welfare, safety and convenience of the neighborhood or city in general, nor detrimental or injurious to the "value of property" or improvements of the neighborhood or of the city in general. Clearly this building would greatly affect the property value of Pier Colony

ALB-2

The original CUP no.88-7 dated April 5, 1988 states that the "residential portion of the project shall be elevated to a maximum of 8 feet above existing grade for the creation of a greater physical separation of the residential from the commercial portions of this project" this tells me that the planning commission truly recognized that the residential and commercial should maintain as much separation as possible. Furthermore the planning commission put in place that the residential could have a site coverage of 59% whereas the commercial site coverage 60%. And as I add the existing Pierside Pavilion 89,415 and their proposed 37,173, this brings

ALB-3

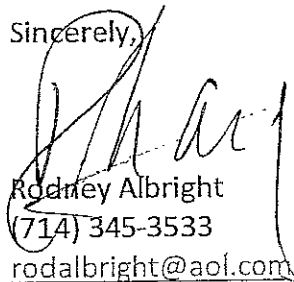
their site coverage to a total of 126,588. The total of the two parcels (based on CUP 88-7) are 170,912 sq ft, and with the Pierside Expansion, the commercial site coverage would be approx 75%.

It also states that the numbers of units were reduced from 160 to 130 to create a greater separation between residential and commercial portions of the project and provide for a better overall building profile and "to provide greater view opportunities"

Pier Colony was built with greater upper building setbacks to enhance the ocean experience. The Pierside expansion hopes to build a 4 story building just 15 feet from Pacific Coast Hwy with only one small setback.

This Proposed Expansion (MND) should not be allowed. There are many other opportunities for the developer to maximize the open area courtyard without infringing on their good neighbors, and the citizens of Huntington Beach.

Sincerely,


Rodney Albright
(714) 345-3533
rodalbright@aol.com

ALB-4

RECEIVED

JUL 16 2012

Dept. of Planning
& Building

Ethan Edwards
Associate Planner
City of Huntington Beach
Planning & Building Department
2000 Main Street
Huntington Beach, CA 92648

RE: Comments to the proposed project "Pierside Pavilion Expansion"

Dear Sir:

I am an owner and resident of a property at Pier Colony (200 Pacific Coast Highway), and am writing this in response to the proposed project "Pierside Pavilion Expansion"

The Project

It is my understanding that the proposed project will expand the current building at 300 Pacific Coast Highway (Pierside Pavilion) significantly. The portion of the building between Pier Colony and Pierside Pavilion closest to Walnut Ave will be extended closer to Pier Colony, and a new building will be built in addition to the current building at the southeast corner of the existing building. From the meeting on 7/10, it would appear that the driving factor behind this addition is to add to existing office space available to the current office tenant. A significant portion of the new addition will be devoted to an unknown restaurant with the intention of increasing foot traffic for the current tenant Sparks. Space will be reserved as per the cities requirements on the ground floor for visitor serving commercial use.

My concerns with the project are outlined as follows:

A: Residential Buffers

As per Section 3.2.21 of the Downtown Specific Development Plan, residential buffers are to be left between commercial businesses and residential areas. According to section 2, noise and odor generating activities associated with commercial activity are not permitted within 50' of a residential area. The proposed restaurant is within 50' of the edge of Pier Colony, and by definition an alcohol serving restaurant with outdoor seating will create both noise and odor. The map included on the Downtown Specific Development Plan did not specifically show on it the area between Pier Colony and Pierside Pavilion, but by definition should be included.

B: Public Open Space

As per Section 3.3.1.15 of the Downtown Specific Development Plan, Public Open Space, part 1 states that "Public open space and pedestrian access shall be required for development projects in order to assure a predominantly visitor-serving, pedestrian orientation." While in theory areas of the ground floor of the proposed development have been set aside for that purpose, no concrete tenants have been shown as interested in the property. In addition, even current tenants in the existing building do not seem to meet the definition of visitor serving. Vacancy and turnover rates

ATTACHMENT NO. 6.81

CONN-1

CONN-2

in that area of the building are high, and while empty storefronts may satisfy the letter of the law as per the development plan, they obviously do not fit the spirit of the plan.

C: Landscaping and Greenery

As per Section 3.3.1.15 of the Downtown Specific Development Plan, Public Open Space, part 5 states that "30% minimum of the public open space area shall contain landscaping, including shade trees, accent trees, and other soft landscaping. Hard surfaced areas and specialty paving shall also be incorporated into the public open space design." According to the plans released by the developer, 1,555 square feet of the 8,880 square feet of open space is considered landscaped. This is 17.5%. In addition, from the plans released by the developer, it would appear that some of the area considered landscaped would actually be area considered to be a part of Pier Colony. This should not be included in the calculations for Pierside Pavilion.

CONN-3

D: Public View

As per Section 3.3.1.14 of the Downtown Specific Development Plan, "Development proposals in District 1 located between Pacific Coast Highway and Walnut Avenue shall include a public view analysis. Setbacks may be increased and site coverage, density and building heights may be reduced as necessary to protect public views of the ocean. Provision of public viewing locations from within a development may be required to offset adverse impacts of the development proposal on public views of the ocean." I have not seen any public release of said public view analysis.

CONN-4

This proposed development will severely curtail the views of the ocean from Walnut Ave. Based on the drawings released by the developer, views of the ocean will be decreased by 50% from the south side of that pedestrian corridor, and a similar amount from the northern side of the pedestrian corridor.

E: Safety.

The proposed development extends the western edge of the building to approximately 10' from Pacific Coast Highway. This replaces a very large public open space that is a community gathering area for many. The pedestrian corridor between Pier Colony and Pierside Pavilion is a heavily trafficked route to the ocean from inland areas, and the addition of a new building will force all of that traffic closer to Pacific Coast Highway, a high speed thoroughfare. Vehicle/pedestrian interactions are virtually unavoidable, and will most likely eventually result in a lawsuit against the city.

CONN-5

The addition of planters and trees at the immediate border between the sidewalk and the road has the potential to decrease driver visibility of the sidewalk as well as increase the severity of potential vehicular accidents in that area. The area between 2nd Street and Main Street, on Pacific Coast Highway, has a huge volume of pedestrian traffic, particularly in the summer. Instances can be observed daily where pedestrians are jaywalking there, or trying to cut across traffic lanes to beat the walk signal to cross Pacific Coast Highway. Reducing the ability of drivers on Pacific Coast Highway to observe the entirety of the sidewalk can only lead to accidents. Unfortunately too, the downtown area does see a significant number of drivers driving under the influence of alcohol, and adding more distractions and obstacles within the immediate vicinity of the street can only lead to an increase in both the number as well as severity of accidents.

F: Future Development.

In Section 1.4.3.6 of the Downtown Specific Development Plan, Pedestrian Environment, the Plan states "In addition to issues with parking, development standards, and design guidelines, a focus of concern in the downtown is the pedestrian nature of the area. It is crucial that the downtown be a pedestrian-oriented environment. There is also a desire to minimize the areas of pedestrian and

CONN-6

vehicle conflict to direct pedestrian traffic flows away from vehicle traffic flows, as well as a desire to accommodate bicycle interplay."

Looking south down Pacific Coast Highway from Main Street, there are currently wide sidewalks and open areas leading south. The addition of a new building in the proposed location will serve as a natural pedestrian block, preventing pedestrian traffic from progressing south on Pacific Coast Highway. Given that there are developments in several stages of completion throughout that area, reducing pedestrian traffic towards those areas will inhibit further growth. For any future growth to be successful in the block to the south of the current Dairy Queen, pedestrian traffic must naturally flow from Main Street.

G: Decreased width of alleyway/pedestrian access to ocean

As a part of this proposed development, the existing pedestrian corridor between Pier Colony and Pierside Pavilion will be narrowed. There is currently a private access open space on the second floor balcony along the southern edge of the building, underneath which is public access open area. This ground floor public access open space represents between 30%-50% of the width of the corridor leading to the ocean from Walnut Ave. Extending the ground floor of the existing building south will significantly decrease the access to the ocean from Walnut Ave.

Conn-7

H: Noise

The city of Huntington Beach commissioned a study to determine the potential noise impacts of the proposed project. As a part of this, long term (4 day) readings were taken of ambient noise levels in the pedestrian corridor between Pier Colony and Pierside Pavilion. These readings were taken from Friday, October 28 2011 through Monday, October 31 2011.

As pointed out in city documentation, the downtown area experiences significant seasonality in traffic patterns, with peak pedestrian traffic occurring between Memorial Day and Labor Day every year. I question the validity of a noise study performed in late fall, when pedestrian traffic is at a minimum.

In addition, a significant amount of the measured noise is coming from the existing Black Bull restaurant and bar at the southeastern corner of the project, a use that has already been the source of a multitude of noise complaints.

The noise study itself uses measurements taken 10 years prior to this study at a restaurant in Rancho Mirage, which is a small (10% population of Huntington Beach, trending toward an older demographic) town in the Palm desert. Nowhere in the noise study are details of the measurements taken, or their relevance to the proposed development. At a bare minimum, detail should be included showing the number of tables, any on site mitigation at the reference location, foot traffic at the reference location, and some detail on microphone heights used in testing. In addition, the testing was performed in January of 2002. The Palm Springs area, like downtown Huntington Beach, will experience seasonality in their visitors, and I question if measurements taken in January would match those taken at a time when visitors to the area are at their peak.

Conn-8

The noise study assumes that noise from the proposed development will propagate from the source outward equally; while this proposed development will be at both corners of what is proposed to be essentially a long hard lined tunnel (the pedestrian corridor between Pier Colony and Pierside Pavilion). This corridor already has the propensity to channel and focus sound; the proposed narrowing will only exacerbate that situation. Some modifications to the measurements need to be

made to account for this impact. In addition, the proposed new restaurant will cover 2 floors, both with outside seating, and the noise impact of each should be evaluated both separately as well as in conjunction with the other.

Further study should be done to determine the impact of the noise at multiple elevations. Pier Colony has homeowners on 4 floors; a thorough noise study must include the impact at each level of the residential area given that the proposed development plans to include noise generating aspects on multiple floors.

In addition, the noise impact study did nothing to account for the narrowing of the pedestrian corridor between Pier Colony and Pierside Pavilion. Assuming pedestrian traffic remains the same or increases with the addition of new businesses in that area, channeling those same people through a smaller area, now covered in glass and concrete, will increase the intensity of noise in the residential area.

I: Construction Noise

Construction is anticipated to last 12 months, with self imposed hours of operation between 8AM and 5PM. (9hrs per day) Based on the noise study submitted, the noise involved in the construction will range from a low of 76dB in the Physical Improvements stage to a high of 89dB in the Site Preparation stage. Again, I would challenge these estimations, as the majority of the work will be performed in an area that is basically a narrow concrete tunnel, which has a propensity to focus and reflect sound rather than allow it to dissipate.

Even should these assumptions prove to be accurate, these are very high sound levels to subject a residential area to. According to OSHA, 21CFR Part 1910, "Protection against the effects of noise exposure shall be provided when sound levels exceeded those shown in Table G-16" (21CFR 1910.95(a)). The accompanying table shows sound levels down to 85dB, which is within even the optimistic estimates shown on the noise study. These noise levels are considered by OSHA to be dangerous, and would require mitigation even in an industrial facility, let alone a residential area.

J: Design

As per Section 1.4.3.5 of the Downtown Specific Development Plan, Design Character, "Existing design regulations encourage adherence to a Mediterranean style of architecture. A desire exists to provide opportunities for a broader interpretation of the Mediterranean architectural style. The revised design guidelines found in this Specific Plan encourage this architectural variation in downtown."

Both Pier Colony and the existing building at Pierside Pavilion were designed with the Mediterranean style of architecture in mind, and the two buildings complement each other. While there is room within the Downtown Specific Development Plan for a broader interpretation of the Mediterranean style of architecture, the plans as shown thus far by the developer have been a significant departure from that. Case in point, at the meeting on 7/10, the developer explicitly stated that the intention was to create a building that would stand out visually from the surrounding buildings. This new building would be separate in design from the remainder of Main Street, and would further serve to isolate anything developed south on Pacific Coast Highway.

K: Traffic

Traffic along Pacific Coast Highway is already heavy, particularly in the summer months. It is not uncommon to sit at a red light for multiple cycles before enough room opens up to allow for traffic to flow through an intersection. Obviously the worst intersections are the three locations where Pacific Coast Highway intersects the immediate downtown area, and this proposed development

CON-9

CON-10

CON-11

will cause further congestion at each of them. I have not seen a formal traffic study for this proposed development, has there been one completed?

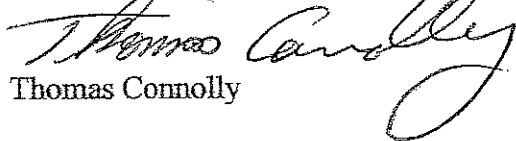
Conclusions:

Development in the downtown area is a desirable, perhaps even vital opportunity for the city to grow, and by extension improve property values and quality of life for those of us who are lucky enough to reside here. However, these opportunities should not be used by developers to push upon the city projects that are ill conceived, not within the spirit of the Downtown Specific Development Plan, and frankly ill-suited to serve the general public.

The proposed development at Pierside Pavilion seems to be a solution looking for a problem, and does not appear to satisfy many of the provisions of the Downtown Specific Development Plan. No study has been made as to how this project will impact other developments both proposed as well as begun, and the proposed project has the potential to inflame further tensions between neighbors in the downtown area. While not within the purview of this discussion, it may be worthwhile to study in more detail the true visitor serving aspect of the current building and issues therein prior to moving forward with this proposal.

I would be happy to discuss my concern with you in greater detail at your convenience, and I look forward to hearing your responses to my comments. If the proposed project does go forward, I reserve my right to pursue any and all options available to me to appeal the decision, both through administrative appeals as well as via the court system.

Thank You for your time


Thomas Connolly

CONN-12

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JUL 16 2012

Dept. of Planning
& Building July 16, 2012

Ethan Edwards
Associate Planner
Huntington Beach Planning and Building Dept
200 Main Street
Huntington Beach, CA 92648

Dear Mr. Edwards


After reviewing the Mitigated Negative Declaration for the Pierside Pavilion Expansion Project, I was prompted to write and express my displeasure and disagreement with the project on several counts.

As a resident homeowner in Pier Colony condominium, I believe that this proposal to encroach on an existing finished plaza, built to code, according to the Downtown Specific Plan is detrimental to all of us who purchased there in good faith. We believed that the existing buffers between commercial and residential properties would be maintained according to Section 3.2.21 of the Downtown Specific Plan. We believed we were not purchasing adjacent to a vacant lot, but a finished site that would be maintained as it was built and meant to be. It is a public space used as a through fare to the ocean by the public and a gathering space. It provides light and air in an otherwise closely built downtown area.

The proposed project would negatively impact the public view as well as the views of Pier Colony residents. Section 3.3.1.14 of the Downtown Specific Plan requires a public view analysis. It states "Setbacks may be increased and site coverage, density and building heights may be reduced as necessary to protect public views of the ocean". This expansion proposal, requests the complete opposite, asking for a variance to **increase** the allowable height thereby diminishing the view from Walnut St. and the West side of Pier Colony condominiums.

Others against the project are focusing on the excess noise the project will produce, the increase in traffic, obstruction of light and the lack of parking. All of these are reasonable arguments to not allow this expansion. I, however feel this ugly proposed box of a building, squeezed into the Mediterranean architecture that defines our portion of Pacific Coast Highway ruins the beautiful current approach to down town Huntington Beach. Please consider the lack of aesthetics related to this project as one more reason to disallow it.

Sincerely,



Carol M. McCann

CMCC1

CMCC2

CMCC3

Ethan Edwards
Associate Planner
City of Huntington Beach Planning and Building Department
2000 Main Street
Huntington Beach, CA 92648

July 16, 2012

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Dept. of Planning
& Building

Dear Mr. Edwards,

I write to oppose the adoption of the Mitigated Negative Declaration of the Pierside Pavilion Expansion Project (300 Pacific Coast Highway, Huntington Beach, CA).

I own and live in Units 424 and 426 with my wife Carol in Pier Colony Condominiums at 200 Pacific Coast Highway. On our balconies we look directly at the Pierside Pavilion building. We moved there in 1991 for my job with Hughes Aircraft Co, rented at Pier Colony for a year and a half, bought 424 at an auction in 1993. We subsequently acquired 426 in 2000 and with City and Pier Colony Board of Directors approval we connected the two units to give us 2200 square feet of living space on the most desirable floor in Pier Colony.

I served 20 years in the Air Force, retired in 1986, worked in the Aerospace Industry for 14 years and worked for Walt Disney Imagineering for 7 years. I retired from Disney in 2006. Carol and I have lived frugally and have paid off both mortgages for units 424 and 426. We now live a comfortable life with pensions and no mortgage payments sharing as often as possible our Pier Colony dream with our four children and six grandchildren.

The proposal documented in Draft Mitigated Negative Declaration No. 11-007 is seriously flawed. The idea of constructing a four story , 90 feet high, 27,772 sq ft mixed-use, visitor serving/ office building and 9,401 sq ft infill expansion by existing storefronts in the narrow spaces between Pier Pavilion, Pier Colony and Pacific Coast Highway is **absurd**.

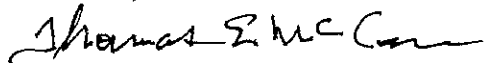
During the 21 years we have lived in Pier Colony we have observed the creation and dissolution of many businesses at the south east corner of Pierside Pavilion. Most of the time the retail space on the first floor at this corner has been vacant. The congestion and noise on this corner has increased significantly. We believe that serious safety issues will occur as a result of the proposed modification to Pierside Pavilion. Moving storefronts closer to Pacific Coast Highway and closing off the open area at the south east corner will severely limit the space between Pier Colony, Pierside Pavilion and Pacific Coast Highway resulting in acute pedestrian dangers which don't exist today.

The noise analysis commissioned by the city is seriously flawed. Data from other cities were used at less than maximum sound generation from traffic noise. The heavy period for downtown Huntington Beach as I'm sure you're aware is between Memorial Day and Labor Day. There was no noise data taken at all during this period. Also the intensification of the sound due to the closing in of space between Pier Colony and Pierside Pavilion (the canyon effect) was ignored completely. As a result, any conclusions based on the data obtained to date are highly questionable.

Many of my colleagues who reside at Pier Colony have written you letters addressing code issues and variances with the current downtown development plan. Also, some have addressed the original intent of the downtown development plan of the late 1980s. We feel that the Pier Colony residents have lived up to their responsibilities to the community and deserve a fair and impartial judgment on a project

which affects their property value and the quality of their lives. We believe that judgment should maintain the current profile of the Pier Pavilion building as much as possible and addresses our concerns about safety and environment affecting the entire community.

Sincerely,

A handwritten signature in black ink, appearing to read "Thomas E. McCann". The signature is fluid and cursive, with the first name "Thomas" being the most prominent.

Thomas E McCann

Feldsott & Lee 
A LAW CORPORATION
23161 MILL CREEK DRIVE, SUITE 300
LAGUNA HILLS, CA 92653

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(949) 729-8012 FAX
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JUL 16 2012
Dept. of Planning
& Building

12707 HIGH BLUFF DRIVE, SUITE 200
SAN DIEGO, CA 92130
(858) 755-3741

July 11, 2012

SENT VIA FAX AND U.S. MAIL
TO: (714) 374-1540

Ethan Edwards
Associate Planner
City of Huntington Beach
Planning & Building Department
2000 Main Street
Huntington Beach, CA 92648

Re: **Comment of Huntington Pier Colony Homeowners Association in
Opposition to Adoption of Mitigated Negative Declaration for Pierside
Pavilion Expansion Project (300 Pacific Coast Highway)**

Dear Mr. Edwards:

This office serves as legal counsel to the Huntington Pier Colony Homeowners Association ("Association"). As you may know, Huntington Pier Colony is a condominium development comprised of 130 residential dwellings located at 200 Pacific Coast Highway, directly adjacent to the site of the proposed Pierside Pavilion expansion. On behalf of the Association and its members, we are contacting you to express our client's strong opposition to the adoption of the Draft Mitigated Negative Declaration and continuing concerns regarding the planned expansion of Pierside Pavilion.

As you know, our clients' homes are located immediately adjacent to the Pierside Pavilion, the project being separated from the existing structure by only a narrow alleyway. The proposed expansion will inevitably have an extreme adverse impact on our clients' daily lives, as well as their property values. Of particular concern are issues of noise, safety and traffic congestion during the anticipated twelve month construction period and thereafter. Section X of the Mitigated Negative Declaration indicates that during construction of the project, noise levels on the site may increase from normal construction vehicles such as concrete trucks and a backhoe as well as other equipment and tools. The report states that, "Construction of the project will create short-term noise impacts," however, the construction will be anything but short term. Rather, construction is anticipated to take

ATTACHMENT NO. 6.28

FILE 1

FILE 2

Ethan Edwards
City of Huntington Beach
Planning & Building Department
July 11, 2012
Page -2-

approximately twelve months. Once construction is completed, significant noise impacts are anticipated from restaurant terrace activities, including approximately 6,146 sq. ft. of outdoor dining on the second floor and the rooftop deck, with the second floor terrace spanning the length of the alleyway separating the project from the existing residences and extending back to Walnut Avenue. Clearly, such outside dining activities, which will be most prevalent during the nighttime hours, will have more than a minimal impact on our homeowners' use and quiet enjoyment of their homes.

The Association and its members are also concerned with the increase in traffic, both vehicular and pedestrian, that will result from the planned expansion, as well as the parking congestion that will occur on the streets surrounding Pier Colony. The project proposes to add 10,527 sq. ft. of retail, 5,705 sq. ft. of restaurants, and 21,441 sq. ft. of office space without providing for any additional parking. The increase in traffic to and from the Pavilion generated by the new restaurant and retail space combined with the lack of any additional parking will only contribute to the already congested conditions on the streets immediately surrounding Pier Colony. In addition, the year-long construction of the project is expected to result in interruptions to traffic circulation, including pedestrian and bicycle flow, which will interfere with our homeowners' ability to access their homes.

The owners at Pier Colony are further concerned with the effect that the development will have on the value of their homes. The increased noise and light emissions from the expansion will inevitably impact the desirability of the homes in Pier Colony, and the proposed construction of a four-story building will significantly impair the view and light from condominium homes located on the northwest side of Pier Colony. As planned, the four-story building will exceed maximum height requirements of the Zoning Code and Specific Plan, requiring the granting of a variance, a variance without any factual basis and totally contrary to the laws of California. The reduction in front setback along PCH and planned infilling of open arcade areas within the footprint of the existing building with a four-story structure will essentially block-in the residential complex and eliminate the existing views of condominiums bordering the Pavilion. The impact on views from the condominiums has not been addressed in the Mitigated Negative Declaration and will adversely affect property values.

For all of the reasons stated above, as well as the dictates of common decency, the Huntington Pier Colony Homeowners Association, whose members will be greatly impacted by the construction and existence of the proposed expansion, objects to the proposed project and urges the Planning Commission not to adopt the Draft Mitigated Negative Declaration.

FILE 3

FILE 4

FILE 5

Ethan Edwards
City of Huntington Beach
Planning & Building Department
July 11, 2012
Page -3-

The proposed structure is an eyesore and inconsistent with the architectural theme for the area. Why, so the developer can have roof top dining and drinking all to the extreme detriment of the citizens of Huntington Beach. At best, approval would surely create a private and public nuisance for the residential units next door and the public at large.

Should you have any questions concerning the foregoing, please do not hesitate to contact this office.

Very truly yours,

FELDSOTT & LEE

By: _____

JACQUELINE PAGANO

By: _____

STANLEY FELDSOTT

JP/SF/jk

cc: Board of Directors,
Huntington Pier Colony Homeowners Association

Distribution List

Sent Via Facsimile and U.S. Mail

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Mayor Pro Tem Devin Dwyer
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Council Member Keith Bohr
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Chief of Police
Huntington Beach Police Department
2000 Main Street
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July 15, 2012

City of Huntington Beach
Planning & Building Department
ATTN: Ethan Edwards
2000 Main St.
Huntington Beach, CA 92648

RECEIVED

JUL 16 2012

Dept. of Planning
& Building

Re: Pierside Pavilion Expansion Draft Mitigated Negative Declaration No. 11-007

Dear Mr. Edwards,

I am writing to express the following concerns with the Pierside Pavilion Expansion Draft Mitigated Negative Declaration (MND) No. 11-007.

Land Use and Planning

Visitor-Serving Commercial Overlay

The General Plan consistency analysis on p. 6 of the MND states:

"The proposed project utilizes mixed-vertical uses in accordance with the patterns and distribution of use within the Land Use Map of the City of Huntington Beach General Plan. Commercial uses such as retail establishments will be located within the first story as required by the Visitor-Serving Commercial Overlay, restaurant uses on the second floor and rooftop, and office uses on the third and fourth floors. The project will be consistent with this policy."

However, elsewhere throughout the MND, project narrative, and project plans, there are references to "retail/office" or "office" uses designated for the additional ground floor square footage being proposed for this project.

General Plan Coastal Element Policy C 1.1.3 states:

"The use of private lands suitable for visitor serving commercial recreational facilities designed to enhance public opportunities for coastal recreation shall have priority over private residential, general industrial, or general commercial development, but not over agriculture or coastal-dependent industry."
(emphasis added)

B1X31

ATTACHMENT NO. 6.32

The Downtown Specific Plan (DTSP) is the implementation vehicle for the above policy within the downtown portion of the Coastal Zone. The DTSP defines visitor-serving facilities as:

“Public and private developments that provide accommodations, food, and services, including hotels, motels, timeshares, campgrounds, restaurants, retail sales, cultural uses, and amusement areas for tourists.” (emphasis added)

DTSP Section 3.3.1.3 Permitted Uses implements the Coastal Element C 1.1.3 policy giving priority to visitor-serving commercial uses (emphasis added):

- 1) Visitor-serving commercial uses are required for all ground floor square footage in the District 1 Visitor Serving Commercial Overlay. (see Figure 3-22a.):
 - a) Within the Lake Street overlay, all uses permitted on the ground floor of District 1 are allowed. In addition, single-family residential, multi-family residential, and offices are allowed at the ground floor street frontage (see Figure 3-22b.).

The legend for DTSP Figure 3-22a depicting the boundaries of the Visitor Serving Commercial Overlay states:

“Visitor Serving Commercial Overlay (District 1): All ground floor square footage within the Visitor Serving Commercial Overlay shall be visitor-serving commercial uses. Non-Visitor Serving Commercial uses may be permitted only above the ground floor within this overlay area.” (emphasis added)

Note that the DTSP defines the Lake Street Overlay as a use-superset of the Visitor Serving Commercial Overlay with several additional ground floor uses including offices. Thus, office uses are not valid ground floor uses within the Visitor Serving Commercial Overlay or else they would not need to be explicitly enumerated for the Lake Street Overlay.

The Visitor Serving Commercial Overlay was a suggested DTSP modification by the Coastal Commission that was accepted by the city council on August 15, 2011. City staff supported this modification in their recommendation to council in the August 15, 2011 staff report:

“The Coastal Commission suggested the Visitor-Serving Commercial Overlay modification to ensure that visitor-serving commercial uses would remain proportional to other lower priority uses such as residential and office uses in the areas with the highest volume of visitors, closest to the beach and along

B1X8 1

Main Street. Staff believes this modification is a good compromise and will serve its intended purpose as well as further the goals of the DTSP to promote tourism and become a destination for residents and visitors.”

This project’s inclusion of new ground-floor office square footage appears to be inconsistent with Coastal Element Policy C 1.1.3 and DTSP Section 3.3.13. The staff language in this section of the MND needs to specifically address the issue of ground-floor office uses for this project.

B1XB 1

Biological Resources

Bird Strikes due to Reflective Glass Surfaces

This project proposes a tall expansion building on the coast with a high proportion of the coast-facing side of the building consisting of glass or other reflective/transparent materials.

Bird strikes were a serious problem with the coastal Brightwater residential development’s glass perimeter wall until special transparent anti-bird stickers were added.

What potential mitigation strategies exist if the proposed project experiences undue bird strikes after construction?

B1XB 2

Aesthetics

Potential Shade and Shadow Impacts to Pier Colony

This project proposes an expansion building where the 76ft-tall edge of the new building is just 50ft away from the adjacent Pier Colony residential building. Pier Colony residents are concerned about potential shade and shadow impacts, yet no impact studies have been done as part of this MND.

The recent Beach-Warner Mixed Use and Beach-Ellis Mixed Use projects are approximately the same height as the proposed project but are located at greater distance from sensitive residential uses, yet shade and shadow impact studies were performed per discretionary BECSP mitigation measure MM 4.1-1.

The DTSP lacks a similar shade/shadow mitigation measure, but does include mitigation measure CR 4.1-1 that limits light spill onto adjacent properties. But light and shadow are two

B1XB 3

sides of the same coin, and due to the close proximity of Pier Colony, understanding of the potential shadow impacts would be prudent.

Third Street Public View Corridor

General Plan Coastal Element Policy C 4.2.3 requires preservation of public view corridors:

"Promote the preservation of significant public view corridors to the coastal corridor, including views of the sea and the wetlands through strict application of local ordinances, design guidelines and related planning efforts, including defined view corridors."

The original Pierside Pavilion / Pier Colony project (aka Main Pier Phase I) was entitled by CUP 88-7 and CUP 88-3. This project included the vacation of Third Street between Walnut and PCH in order to consolidate two full blocks into a single project, with the visitor-serving uses on the half of the site west of Third Street, and the residential portion on the half of the site east of Third Street. The April 5, 1988 planning commission staff report notes that:

"The residential portion of the project, located on the eastern half of the parcel farthest from Main Street and the pier, has been designed as a separate use from the adjacent visitor-serving uses through the use of view, light and air corridors."

The view corridor described above corresponds to vacated Third Street.

The planning commission approved the project on April 5, 1988, and subsequently approved final Conditions of Approval on April 19, 1988. However, this project was conditioned to be dependent on Downtown Specific Plan changes that were pending before the city council. Quoting selected passages from the planning commission April 19, 1988 Notice of Action:

"Conditional Use Permit No. 88-7 and Coastal Development Permit No. 88-3 shall not become effective until the proposed revisions to the Downtown Specific Plan are approved by City Council and in effect."

...

"Tentative Tract No. 13478 shall not become effective until the proposed revisions to the Downtown Specific Plan have been approved by City Council and are in effect."

B1X84

...

"This approval represents conceptual approval only; detailed plans must be submitted for review and the aforementioned conditions completed prior to final approval."

Thus final approval for this project was being deferred until after the pending DTSP modifications enacted by Ordinance 2942 were in effect on June 15, 1988. This ordinance made a substantial number of modifications, including the following:

"S.4.2.15 Street Vacations. The following conditions will apply to City vacation of streets and alleys for consolidation of parcels greater than one block in size.

(f) Any development proposing the vacation of streets intersecting PCH in District #2 and District #3 shall provide a view corridor not less than the width of the former street between Walnut Avenue and PCH. In addition, horizon view corridors shall be maintained in District #10. No structures greater than five (5) feet in height shall be allowed within such view corridor. A pedestrian easement ten (10) feet wide shall be provided through the development generally parallel to the vacated street."

This project was located in District #3 under the numbering scheme then in effect and was thus subject to the view corridor preservation requirement due to the vacation of Third Street.

The city council approved a second amended DDA on June 27, 1988, that laid out the obligations of each party including the subsequent sequencing of future milestones including the street vacation which apparently had not yet occurred at the time the DDA amendment was approved.

This project returned to the planning commission on October 4, 1988, for plan modifications that were not spelled out in the minutes (I lack the staff report for that meeting). The project returned again to the planning commission for review of updated architectural elevations on December 6, 1988.

At some point that I was unable to determine from city clerk archives, what was once a single tract map (TTM 13478) split into two separate final tract maps (TR 13478 for the residential portion, and TR 13722 for the visitor-serving portion) that were approved by the city council on March 20, 1989 and recorded with the county on August 2, 1989.

Both final tract maps recorded with the county depict Third Street between Walnut and PCH, so apparently it had not yet been vacated by the time the maps were recorded.

But long story short from this history lesson is that several key approvals for the project occurred after DTSP section S.4.2.15 was added requiring preservation of street vacation public view corridors.

This view corridor was recognized in later projects. In a letter from applicant Jonathan P. Chodos to the RDA regarding a February 20, 1990, presentation about the Pierside Village project on the seaward side of PCH, a viewshed analysis map is included that depicts the Third Street view corridor (see Exhibit 1).

Contemporary Google Earth aerial imagery as well as a site visit confirms the presence of a public view corridor in the former Third Street location. The aerial width of the corridor is somewhat difficult to ascertain based on the information available to me and so evaluating the extent of any encroachments is imprecise, but it appears that the two existing stairwells may be in violation of the DTSP S.4.2.15 five foot height limit in effect at the time of their construction.

Sheet A-0 ("Site Plan / Landscape") depicts the new footprint of the proposed expansion. Present on this sheet are two vertical dashed lines appearing to correspond to the Third Street vacation with the notation "60'0" View Corridor" in the very smallest of fonts which is only readable in the native PDF copy of the plans (this is the exact reason I ask for native PDFs). This sheet depicts major encroachment of the expansion into the view corridor by as much as approximately 16-17ft in places.

Staff needs to explain how this apparent encroachment into a public view corridor is consistent with Coastal Element Policy C 4.2.3 and the DTSP S.4.2.15 section under which the corridor preservation was first obligated.

At the time of this writing (July 15, 2012) there is currently uncertainty as to whether the city has actually vacated Third Street between Walnut and PCH. The original project entitlements and the DDA clearly proposed the vacation of Third Street. The Public Works Project Implementation Code Requirements memo attachment page number 4.6 for the proposed project refers to "the vacated 3rd St". So Public Works apparently considered the street to be vacated at the time the project requirements memo was written.

But on the other hand, the city clerk's archives contain no record of the street being vacated, and the project applicant asserts that the street was never vacated and thus no view corridor preservation obligation exists.

It is instructive to return to the language of DTSP S.4.2.15 that the original entitlements were subject to – "Any development proposing the vacation of streets intersecting PCH in District #2 and District #3 shall provide a view corridor not less than the width of the former street

B1XB4

between Walnut Avenue and PCH" (emphasis added). According to that language, the view corridor preservation obligation was incurred by proposing the vacation and thus it should be irrelevant that the city may have dropped the ball and committed a clerical error by not following through on finalizing the vacation.

If Third Street was not vacated as per prior plans for this site, then contemporary vacation of the street might trigger the requirements of current DTSP Section 3.2.5 Street Vacations, quoted in part as follows:

"Any development proposing the vacation of streets intersecting Pacific Coast Highway in District 1 shall provide a view corridor that meets the following criteria:

- 1) Shall be located between Walnut Avenue and Pacific Coast Highway.
- 2) Width shall be no less than the former right-of-way.
- 3) No permanently installed solid structures greater than 42" in height shall be allowed within such view corridor.
- 4) A minimum 10' wide public pedestrian easement shall be provided through the development generally parallel to the vacated street."

Planning staff needs to clarify the status of Third Street, whether there is a view corridor that needs to be preserved free of encroachments from the proposed building envelope, and which DTSP language applies to said view corridor.

Sincerely,

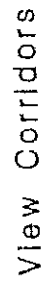
Mark D. Bixby

Mark D. Bixby
17451 Hillgate Ln
Huntington Beach, CA 92649-4707
phone: 714-625-0876
email: mark@bixby.org

Attachments:

Exhibit 1 – Chodos Pierside Village letter map depicting Third Street view corridor

B1X84



C.R. CARNEY
 Inc. President

PIERSIDE VILLAGE

FAX COVER SHEET TO: ETHAN EDWARDS
ASSOCIATE PLANNER
CITY OF HUNTINGTON BEACH
PLANNING & BUILDING DEPARTMENT
714-374-1648

RECEIVED
JUL 16 2012
Dept. of Planning
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FROM: ERIC YAO
CHRISTINA YAO
200 PACIFIC COAST HWY #226
HUNTINGTON BEACH, CA 92648
MAILING ADDRESS: P. O. BOX. 17196
IRVINE, CA 92623

TOTAL PAGES INCLUDING COVER SHEET: 6

SUBJECT: COMMENTS TO THE PROPOSED PROJECT "PIERSIDE PAVILION EXPANSION"

ATTACHMENT NO. 640

July 14, 2012

Ethan Edwards
Associate Planner
City of Huntington Beach
Planning & Building Department
2000 Main Street
Huntington Beach, CA 92648
Via Fax 714-374-1648
Email:eedwards@surfcity-hb.org
Hand deliver 7/14/2012

RE: Comments to the proposed project "Pierside Pavilion Expansion"

Dear Sir:

My wife and I are the original owner and resident of a property at Pier Colony (200 Pacific Coast Highway), and are writing this in response to the proposed project "Pierside Pavilion Expansion"

The Project:

It is my understanding that the proposed project will expand the current building at 300 Pacific Coast Highway (Pierside Pavilion) significantly. The portion of the building between Pier Colony and Pierside Pavilion closest to Walnut Ave will be extended closer to Pier Colony, and a new building will be built in addition to the current building at the southeast corner of the existing building. From the meeting on 7/10, it would appear that the driving factor behind this addition is to add to existing office space available to the current office tenant. A significant portion of the new addition will be devoted to an unknown restaurant with the intention of increasing foot traffic for the current tenant Sparks. Space will be reserved as per the cities requirements on the ground floor for visitor serving commercial use.

My concerns with the project are outlined as follows:

A: Residential Buffers

As per Section 3.2.21 of the Downtown Specific Development Plan, residential buffers are to be left between commercial businesses and residential areas. According to section 2, noise and odor generating activities associated with commercial activity are not permitted within 50' of a residential area. The proposed restaurant is within 50' of the edge of Pier Colony, and by definition an alcohol serving restaurant with outdoor seating will create both noise and odor. The map included on the Downtown Specific Development Plan did not specifically show on it the area between Pier Colony and Pierside Pavilion, but by definition should be included.

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As per Section 3.3.1.15 of the Downtown Specific Development Plan, Public Open Space, part 1 states that "Public open space and pedestrian access shall be required for development projects in

EYAO-1

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EYAO-3

order to assure a predominantly visitor-serving, pedestrian orientation." While in theory areas of the ground floor of the proposed development have been set aside for that purpose, no concrete tenants have been shown as interested in the property. In addition, even current tenants in the existing building do not seem to meet the definition of visitor serving. Vacancy and turnover rates in that area of the building are high, and while empty storefronts may satisfy the letter of the law as per the development plan, they obviously do not fit the spirit of the plan.

C: Landscaping and Greenery

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D: Public View

As per Section 3.3.1.14 of the Downtown Specific Development Plan, "Development proposals in District 1 located between Pacific Coast Highway and Walnut Avenue shall include a public view analysis. Setbacks may be increased and site coverage, density and building heights may be reduced as necessary to protect public views of the ocean. Provision of public viewing locations from within a development may be required to offset adverse impacts of the development proposal on public views of the ocean." I have not seen any public release of said public view analysis.

This proposed development will severely curtail the views of the ocean from Walnut Ave. Based on the drawings released by the developer, views of the ocean will be decreased by 50% from the south side of that pedestrian corridor, and a similar amount from the northern side of the pedestrian corridor.

E: Safety.

The proposed development extends the western edge of the building to approximately 10' from Pacific Coast Highway. This replaces a very large public open space that is a community gathering area for many. The pedestrian corridor between Pier Colony and Pierside Pavilion is a heavily trafficked route to the ocean from inland areas, and the addition of a new building will force all of that traffic closer to Pacific Coast Highway, a high speed thoroughfare. Vehicle/pedestrian interactions are virtually unavoidable, and will most likely eventually result in a lawsuit against the city.

The addition of planters and trees at the immediate border between the sidewalk and the road has the potential to decrease driver visibility of the sidewalk as well as increase the severity of potential vehicular accidents in that area. The area between 2nd Street and Main Street, on Pacific Coast Highway, has a huge volume of pedestrian traffic, particularly in the summer. Instances can be observed daily where pedestrians are jaywalking there, or trying to cut across traffic lanes to beat the walk signal to cross Pacific Coast Highway. Reducing the ability of drivers on Pacific Coast Highway to observe the entirety of the sidewalk can only lead to accidents. Unfortunately too, the downtown area does see a significant number of drivers

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EYAO-5

EYAO-6

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In Section 1.4.3.6 of the Downtown Specific Development Plan, Pedestrian Environment, the Plan states "In addition to issues with parking, development standards, and design guidelines, a focus of concern in the downtown is the pedestrian nature of the area. It is crucial that the downtown be a pedestrian-oriented environment. There is also a desire to minimize the areas of pedestrian and vehicle conflict to direct pedestrian traffic flows away from vehicle traffic flows, as well as a desire to accommodate bicycle interplay."

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As a part of this proposed development, the existing pedestrian corridor between Pier Colony and Pierside Pavilion will be narrowed. There is currently a private access open space on the second floor balcony along the southern edge of the building, underneath which is public access open area. This ground floor public access open space represents between 30%-50% of the width of the corridor leading to the ocean from Walnut Ave. Extending the ground floor of the existing building south will significantly decrease the access to the ocean from Walnut Ave.

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The city of Huntington Beach commissioned a study to determine the potential noise impacts of the proposed project. As a part of this, long term (4 day) readings were taken of ambient noise levels in the pedestrian corridor between Pier Colony and Pierside Pavilion. These readings were taken from Friday, October 28 2011 through Monday, October 31 2011.

As pointed out in city documentation, the downtown area experiences significant seasonality in traffic patterns, with peak pedestrian traffic occurring between Memorial Day and Labor Day every year. I question the validity of a noise study performed in late fall, when pedestrian traffic is at a minimum.

In addition, a significant amount of the measured noise is coming from the existing Black Bull restaurant and bar at the southeastern corner of the project, a use that has already been the source of a multitude of noise complaints.

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EYAO-7

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downtown Huntington Beach, will experience seasonality in their visitors, and I question if measurements taken in January would match those taken at a time when visitors to the area are at their peak.

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Further study should be done to determine the impact of the noise at multiple elevations. Pier Colony has homeowners on 4 floors; a thorough noise study must include the impact at each level of the residential area given that the proposed development plans to include noise generating aspects on multiple floors.

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Even should these assumptions prove to be accurate, these are very high sound levels to subject a residential area to. According to OSHA, 21CFR Part 1910, "Protection against the effects of noise exposure shall be provided when sound levels exceeded those shown in Table G-16" (21CFR 1910.95(a)). The accompanying table shows sound levels down to 85dB, which is within even the optimistic estimates shown on the noise study. These noise levels are considered by OSHA to be dangerous, and would require mitigation even in an industrial facility, let alone a residential area.

J: Design

As per Section 1.4.3.5 of the Downtown Specific Development Plan, Design Character, "Existing design regulations encourage adherence to a Mediterranean style of architecture. A desire exists to provide opportunities for a broader interpretation of the Mediterranean architectural style. The revised design guidelines found in this Specific Plan encourage this architectural variation in downtown."

Both Pier Colony and the existing building at Pierside Pavilion were designed with the Mediterranean style of architecture in mind, and the two buildings complement each other. While there is room within the Downtown Specific Development Plan for a broader interpretation of the Mediterranean style of architecture, the plans as shown thus far by the

CYAD-9

CYAD-10

CYAD-11

developer have been a significant departure from that. Case in point, at the meeting on 7/10, the developer explicitly stated that the intention was to create a building that would stand out visually from the surrounding buildings. This new building would be separate in design from the remainder of Main Street, and would further serve to isolate anything developed south on Pacific Coast Highway.

K: Traffic

Traffic along Pacific Coast Highway is already heavy, particularly in the summer months. It is not uncommon to sit at a red light for multiple cycles before enough room opens up to allow for traffic to flow through an intersection. Obviously the worst intersections are the three locations where Pacific Coast Highway intersects the immediate downtown area, and this proposed development will cause further congestion at each of them. I have not seen a formal traffic study for this proposed development, has there been one completed?

Conclusions:

Development in the downtown area is a desirable, perhaps even vital opportunity for the city to grow, and by extension improve property values and quality of life for those of us who are lucky enough to reside here. However, these opportunities should not be used by developers to push upon the city projects that are ill conceived, not within the spirit of the Downtown Specific Development Plan, and frankly ill-suited to serve the general public.

The proposed development at Pierside Pavilion seems to be a solution looking for a problem, and does not appear to satisfy many of the provisions of the Downtown Specific Development Plan. No study has been made as to how this project will impact other developments both proposed as well as begun, and the proposed project has the potential to inflame further tensions between neighbors in the downtown area. While not within the purview of this discussion, it may be worthwhile to study in more detail the true visitor serving aspect of the current building and issues therein prior to moving forward with this proposal.

Our homeowners association would be happy to discuss our concern with you in greater detail at your convenience, and I look forward to hearing your responses to my comments. If the proposed project does go forward, I reserve my right to pursue any and all options available to me to appeal the decision, both through administrative appeals as well as via the court system. Thank You for your time

Eric McFarland
Eric A. McFarland, Esq.
200 Pacific Coast Hwy
Huntington Beach, CA 92648
P. O. Box. 17196
Irvine, CA 92623

July 11, 2012

Ethan Edwards
Associate Planner
City of Huntington Beach
Planning & Building department
2000 Main St
Huntington Beach, Ca. 92648

RECEIVED

JUL 16 2012

Dept. of Planning
& Building

Dear Mr. Edwards:

My name is Gary Baker and I am a resident/property owner of Pier Colony located at 200 Pacific Coast Hwy. Huntington Beach, directly adjacent to the proposed expansion for Pierside Pavilion, located at 300 Pacific Coast Hwy.

I am asking you to consider several areas of great impact that this project will have on our community and to deny the Mitigated Negative Declaration (MND) for the Pierside Pavilion Expansion project.

Noise

With the expansion and the new roof top dining area and reopening of public spaces (terraces) the noise impact will be greatly increased resonating directly in the living spaces of Pier Colony residents. I am sure you are aware of our on shore air flow patterns and that this proposed project will push the noise directly into the living spaces. Also the "corridor" as it is referred to will also resonate the noise from skateboarding, foot traffic, etc. The new proposed building will create a tunnel effect causing an echo effect from the glass and concrete building. Being solid and straight by design, the sound has no where to go but to the adjacent residential homes.

BAKE-1

Safety

The creation of the new wall of glass building will be a potential for crime, break ins, drug dealing, and an excellent hiding place for late night activities. The new building would create protection for the criminal as law enforcement would not be able to have direct view on break-ins, vandalism, fights, dealing of drugs, homeless, etc. We know this is a probable situation as when the renovation of the Mann Theater was happening the construction trailer was a bathroom, drug dealing, fight area as well as homeless living under the trailer. Not attractive to our tourism traffic. Several of Pier Colony residents had unwanted persons on their patio/ balconies.

BAKE-2

Traffic

As you know traffic, parking etc. is a premium in downtown Huntington Beach. Currently during our peak season (May thru Sept) public parking garages are full, street parking is full and traffic is bustling, searching for a parking space. Again we know how much impact this has as the city has provided the civic center with shuttle service to help eliminate some of this problem. With the expansion project more auto and foot traffic will be congesting our streets. This will not help our tourism, our local retailers, and downtown businesses. The request for a variance, 15 feet from Pacific Coast Hwy, would surely be a possible tragedy for the pedestrian traffic, strollers, bicycles, etc. that the Hyatt, Waterfront Hilton, and eventually Pacific City hope to bring to our downtown

BAKE-3

Ethan Edwards
Associate Planner
City of Huntington Beach
Planning & Building department
Page 2

In the Downtown Specific Plan 2.5.6 Special permits shall only be allowed when, in the opinion of the approval authority, significantly greater benefits from the project can be provided than would occur if all the minimum requirements were met. It goes on to state that it not to be detrimental to the general health, welfare, safety and convenience of the neighborhood or city in general, nor detrimental or injurious to the "value of property" or improvements of the neighborhood or of the city in general. Clearly this building would greatly affect the property value of Pier Colony

In 3.2.14 # 7 states all buildings shall be sited to reduce odor, noise, light and glare and visual and other conflicts between commercial and residential uses. This proposed building is not consistent with the current architecture of Huntington Beach downtown, plus adding a four story building fifteen feet (actually 13' after trees and planters) from Pacific Coast Hwy cannot be pleasing to the eye or a warm reception for our tourism traffic.

In 4.2.1.2 # Buildings should be designed to take advantage of ocean view by providing windows, balconies, stairway landings and other design features. Pier Colony has met these requirements and the Pierside Expansion would drastically reduce the view, interfere with lifestyle, and general well being for Pier Colony residents and guests.

I am sure you are aware of the original CUP no.88-7 dated April 5, 1988 where it states that the "residential portion of the project shall be elevated to a maximum of 8 feet above existing grade for the creation of a greater physical separation of the residential from the commercial portions of this project" this tells me that the planning commission truly recognized that residential and commercial should maintain as much separation as possible. Furthermore the planning commission put in place that the residential could have a site coverage of 59% whereas the commercial site coverage 60%. And as I add the existing Pierside Pavilion 89,415 and their proposed 37,173, this brings their site coverage to a total of 126,588. The total of the two parcels (based on CUP 88-7) are 170,912 sq ft, and with the Pierside Expansion, the commercial site coverage would be approx 75%.

It also states that the numbers of residential units were reduced from 160 to 130 to create a greater separation between residential and commercial portions of the project, provide for a better overall building profile and "to provide greater view opportunities" Pier Colony was built with greater upper building setbacks to enhance the ocean experience. The Pierside expansion hopes to build a 4 story building just 15 feet from Pacific Coast Hwy with only one small setback.

This Proposed Expansion (MND) should not be allowed. There are many other opportunities for the developer to maximize the open area courtyard without infringing on their good neighbors, citizens, and visitors of Huntington Beach.

Looking forward to your response.

Thank you

Sincerely,

Gary Baker

ATTACHMENT NO. 6.47

BAKE-4

BAKE-5

BAKE-6

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JUL 13 2012

Dept. of Planning
& Building

Ethan Edwards
Associate Planner
HB Planning & Bldg Dept.
2000 Main Street
Huntington Beach, CA92648

Mr. Edwards:

I am a resident of Pier Colony, which would be adjacent to the Pierside Pavilion Expansion proposed for 300 Main Street in Huntington Beach.

As a resident of the downtown area for more than 12 years, I know that any project of this nature will have a very adverse effect on the entire downtown area. Not only does it add another bar to a community oversaturated with them, you can be sure that crime and health violations by inebriated patrons will increase and seriously impact the quality of life that we enjoy and further tarnish the reputation of our city in this regard.

In addition, the community will lose the open space of the original design of 300 Main Street. "Wedging" the 4-story building of the new project between two complementary and compatible buildings that now co-exist there, will be an eyesore and probably encourage further development once the architectural beauty we currently enjoy is destroyed.

Too many residents, citizens and visitors to our beautiful downtown area will be victimized by this project that has no apparent "upside." Let's not compromise all the design integrity invested in our downtown renewal. The expansion is of value only to the developer, who seeks to profit from the talent and dedication of those who preceded him.

Very truly yours,



Robert Bryant
Unit 348 Pier Colony
200 Pacific Coast Highway
Huntington Beach, CA 92648
714-960-6091

BEYA-1

July 13th, 2012

Ethan Edwards
Associate Planner
City of Huntington Beach
Planning & Building Department

RECEIVED

JUL 16 2012

Dept. of Planning
& Building

RE: Mitigated Negative Declaration of the Pierside Pavilion Expansion

Dear Mr. Edwards,

I am writing to oppose the adoption of the Mitigated Negative Declaration No. 11-007 for the Project Title Pierside Pavilion Expansion.

I own unit 320 in Pier Colony, and I have been living here for 8 years. I moved to Huntington Beach a few years after I completed college, and purchased my first property here in the condominium complex. Up until about 4 years ago or whenever the Black Bull Chophouse was introduced to downtown, I had enjoyed a very peaceful and quiet living situation. With the introduction of the Black Bull, my weekend days are now interrupted by drunken patrons smoking on the outdoor patio for brunch and dinner, and my nights are long with the dull thud of bass vibrations and fights in the 3rd street corridor right below my bedroom. I believe that the City was sold a false bill of goods with regard to what the Black Bull was supposed to be, and I don't want to see that repeated with this new Pierside Pavilion expansion project. The Black Bull has an outside "dining patio" and at this point, I think everyone knows that it more of a designated smoking and drinking area then it is a place to sit down and enjoy a meal. Below are my concerns with the proposed Pierside Pavilion expansion that will add to the negative experience that I have had with Pierside Pavilion tenants over the past several years.

SMIT-1


Faulty noise analysis relating to this MND

1. The noise analysis that is submitted as a part of this MND was not performed diligently. The contractor that was hired by the City did not take into account the noise levels as heard by Pier Colony residents from either the Pier Colony balconies, or inside the Pier Colony living spaces. The results that you see in the report are not representative of what can actually be heard from our building. This noise analysis needs to be performed again, and needs to take the comments above into consideration.
2. The addition of another outdoor dining area, just like the Black Bull patio, will introduce more disruptive behavior, such as intoxicated patrons and after-hours activity on the 3rd street corridor. If you do not already know, the corridor between the two buildings acts as a sound chamber and all noises in this alleyway are amplified. For example, I can throw a dime off my 3rd floor balcony and hear it hit the ground and roll, in the middle of the day with heavy traffic on both sides of the corridor. You can only imagine how loud voices are at 2am.

SMIT-2

I hope that you will consider the points in this letter before approving this project. Please contact me with any questions, or if you would like to survey the proposed building site from the viewpoint of my condo unit.

Sincerely,



Jeff Smith
200 PCH #320 Pier Colony
805-708-4290
jsmith@govplace.com

ATTACHMENT NO. 6.49

Bill Garrisi
200 Pacific Coast Highway, #123
Huntington Beach, CA 92648

Ethan Edwards
Associate Planner
City of Huntington Beach
Planning & Building Department
2000 Main Street
Huntington Beach, CA 92648

RE: Comments to the proposed project "Pierside Pavilion Expansion"

Dear Sir:

I am an owner and resident of a property at Pier Colony (200 Pacific Coast Highway), and am writing this in response to the proposed project "Pierside Pavilion Expansion". Based on the information given in the project documentation, I believe this proposed project would not be an asset to the downtown area. Some of my concerns are outlined below, and with that information, I would ask the Mitigated Negative Declaration be denied.

The Project:

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GARR-2

GARR-3

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GARR-4

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GARR-5

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GARR-6

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GARR-7

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GARR-9

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Even should these assumptions prove to be accurate, these are very high sound levels to subject a residential area to. According to OSHA, 21CFR Part 1910, "Protection against the effects of noise exposure shall be provided when sound levels exceeded those shown in Table G-16" (21CFR 1910.95(a)). The accompanying table shows sound levels down to 85dB, which is within even the optimistic estimates shown on the noise study. These noise levels are considered by OSHA to be dangerous, and would require mitigation even in an industrial facility, let alone a residential area.

J: Design

As per Section 1.4.3.5 of the Downtown Specific Development Plan, Design Character, "Existing design regulations encourage adherence to a Mediterranean style of architecture. A desire exists to provide opportunities for a broader interpretation of the Mediterranean architectural style. The revised design guidelines found in this Specific Plan encourage this architectural variation in downtown." Further guidelines for this can be found in Section 3.2.14, Mixed Use Projects. In subsection 3 "Architectural style and use of quality materials shall be consistent throughout an entire mixed-use project". In Subsection 7 "All buildings shall be sited to reduce odor, noise, light and glare, and visual and other conflicts between commercial and residential uses."

Both Pier Colony and the existing building at Pierside Pavilion were designed with the Mediterranean style of architecture in mind, and the two buildings complement each other. While there is room within the Downtown Specific Development Plan for a broader interpretation of the Mediterranean style of architecture, the plans as shown thus far by the developer have been a significant departure from that. Case in point, at the meeting on 7/10, the developer explicitly stated that the intention was to create a building that would stand out visually from the surrounding buildings. This new building would be separate in design from the remainder of Main Street, and would further serve to isolate anything developed south on Pacific Coast Highway.

In addition, District 2 of the Downtown Specific Development Plan (Pacific City), details setbacks, distance from Pacific Coast Highway, and other design requirements that will allow the proposed Pacific City development to blend in with the current architecture and look of the existing buildings at Pier Colony and Pierside Pavilion. Should the proposed building go forward as planned at Pierside Pavilion, the existing design criteria for Pacific City will serve to further emphasize the differences between all other construction along Pacific Coast Highway and the proposed Pierside Pavilion expansion.

K: Traffic

Traffic along Pacific Coast Highway is already heavy, particularly in the summer months. It is not uncommon to sit at a red light for multiple cycles before enough room opens up to allow for traffic to flow through an intersection. Obviously the worst intersections are the three locations where Pacific Coast Highway intersects the immediate downtown area, and this proposed development will cause further congestion at each of them. I have not seen a formal traffic study for this proposed development, has there been one completed?

Conclusions:

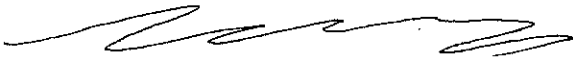
Development in the downtown area is a desirable, perhaps even vital opportunity for the city to grow, and by extension improve property values and quality of life for those of us who are lucky enough to reside here. However, these opportunities should not be used by developers to push upon the city projects that are ill conceived, not within the spirit of the Downtown Specific Development Plan, and frankly ill-suited to serve the general public.

The proposed development at Pierside Pavilion seems to be a solution looking for a problem, and does not appear to satisfy many of the provisions of the Downtown Specific Development Plan. No study has been made as to how this project will impact other developments both proposed as well as in progress, and the proposed project has the potential to inflame further tensions between neighbors in the downtown area. While not within the purview of this discussion, it may be worthwhile to study in more detail the true visitor serving aspect of the current building and issues therein prior to moving forward with this proposal.

Failure to adhere to a strict interpretation of the guidelines set forth in the Downtown Specific Development Plan would also set a dangerous precedent for future development in the downtown area. There are currently several vacant lots in the close vicinity of this area, and should the precedent be set that the Downtown Specific Development Plan can be modified to this extent, any developer interested in building would be expected to request their own variances. This would make it very difficult to achieve the overall desired look of the downtown area.

I would be happy to discuss my concern with you in greater detail at your convenience, and I look forward to hearing your responses to my comments. If the proposed project does go forward, I reserve my right to pursue any and all options available to me to appeal the decision, both through administrative appeals as well as via the court system.

Thank you for your time



Bill Garrisi

DEPARTMENT OF TRANSPORTATION

District 12
3337 Michelson Drive, Suite 380
Irvine, CA 92612-8894
Tel: (949) 724-2000
Fax: (949) 724-2592

RECEIVED

JUL 16 2012

Dept. of Planning

FAX & MAIL Building



*Flex your power!
Be energy efficient!*

July 12, 2012

Ethan Edwards
Associate Planner
City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

File: IGR/CEQA
SCH#: 2012061044
Log #: 3018
SR-1

Subject: 300 Pacific Coast Highway (PCH) at Main Street

Dear Mr. Edwards,

Thank you for the opportunity to review and comment on the **Pierside Pavilion Expansion, Draft Mitigated Negative Declaration No. 11-007**. The proposed project would result in construction of a Four story structure 90 feet high, approximately 27,772 square feet of Mixed-Use for visitor serving/office building, 9,401 sq. ft. of infill expansion by extending storefronts, adding 10,527 sq. ft. of retail, 5,705 sq. ft. of restaurant, 21,441 sq. ft. of office, 3,069 sq. ft. outdoor terrace and 6,146 sq. ft. of outdoor dining. The nearest State route to the project is SR-1.

The California Department of Transportation (Department), District 12 is a commenting agency on this project and has the following comments:

1. The Department's Traffic Operations Branch requests all applicants to use the method outlined in the latest version of the Highway Capacity Manual (HCM) when analyzing traffic impacts on State Transportation Facilities. The use of HCM is preferred by the Department because it is an operational analysis as opposed to the Intersection Capacity Utilization (ICU) method, which is a planning analysis. In the case of projects that have direct impacts on State Facilities, the Department recommends that the traffic impact analysis be based on HCM method. Should the project require an encroachment permit, Traffic Operations may find the Traffic Impact Study based on ICU methodology inadequate resulting in possible delay or denial of a permit by the Department. All input sheets, assumptions and volumes on State Facilities including ramps and intersection analysis should be submitted to the Department for review and approval.

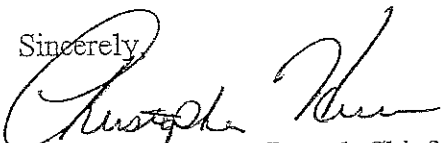
DOT-1

The traffic impact on the state transportation system should be evaluated based on the Department's Guide for the Preparation of Traffic Impact Studies which is available at: <http://www.dot.ca.gov/hq/traffops/developserv/operationalsystems/reports/tisguide.pdf>. Please ensure the EIR includes appropriate mitigation measures to offset any potential impacts. The effect of this project on State facilities will potentially be significant unless mitigated properly.

2. If any project work (e.g. storage of materials, street widening, emergency access improvements, sewer connections, sound walls, storm drain construction, street connections, etc.) will occur in the vicinity of the Department's Right-of-Way, an encroachment permit is required prior to commencement of work. Please allow 2 to 4 weeks for a complete submittal to be reviewed and for a permit to be issued. When applying for an Encroachment Permit, please incorporate Environmental Documentation, SWPPP/ WPCP, Hydraulic Calculations, Traffic Control Plans, Geotechnical Analysis, Right-of-Way certification and all relevant design details including design exception approvals. For specific details on the Department's Encroachment Permits procedure, please refer to the Department's Encroachment Permits Manual. The latest edition of the manual is available on the web site: <http://www.dot.ca.gov/hq/traffops/developserv/permits/>
3. All work performed within the Department's Right-of-Way shall be in accordance with the Department's Standard Specifications, Standard Plans, Encroachment Permit manual, and the California MUTCD.

Please continue to keep us informed of this project and any future developments, which could potentially impact State transportation facilities. If you have any questions or need to contact us, please do not hesitate to contact Farhad Edward Khosravi at ed_khosravi@dot.ca.gov or (949) 724-2338.

Sincerely,



Christopher Herre, Branch Chief
Local Development/Intergovernmental Review

RECEIVED

TO: Tess Nguyen, Associate Planner

JUL 17 2012

FROM: HB Environmental Board

Dept. of Planning
& Building

SUBJECT: ENVIRONMENTAL ASSESSMENT NO. 11-007 (Draft Mitigated Negative Declaration—
Pierside Pavilion Expansion)

DATE: July 16, 2012

The Environmental Board reviewed this project on July 5, 2012. We are pleased to provide our comments, and project suggestions summarized below:

I. Concerns:

1. Page 2-3 regarding document readability and clarity:
 - The Board is concerned with the readability and clarity of both the text and attached diagrams. Square footage totals in text and summary charts to not match. The PDF document security was also set to prevent easy demonstration of this problem. This impairs our ability to read and comment in line, and thus perform our assigned responsibilities. HBEB-1
2. Traffic flow and Level of Service:
 - The Minagar Study results and implications are not sufficiently documented. 2
3. Storm water, Flooding, Solid Waste Generation and Sustainability Options:
 - The DTSP notes flooding during storms: Section 26 (c) is silent on this topic. 3
4. Energy Benchmarking and market competitiveness:
 - The large expanse of west facing glass windows and other energy /comfort factors. HBEB-4
 - No useful information is provided regarding the ways that cost effective Title 24 – CalGreen challenges will be addressed in ways that benefit the owner and tenants over the life of this building.
5. Land Use Planning
 - Section (a), on page 6, paragraph 5 Comment: It is the concern of the Environmental Board that no accommodation has been made for the removal of the existing public areas and open space in the proposed construction which was previously designated in the original Pierside Pavilion. HBEB-5
6. Request for a Variance
 - Section (a), on page 6, paragraph 4 Comment: Less than significant impact - The Environmental Board agrees, with the stipulation that Bird Strike mitigation efforts be incorporated into the installation of glass walls, dividers, and/or windows. HBEB-6
7. V. Air Quality
 - Section (a-e), on page 15, paragraph 2, Comment: This is the only reference to refuse collection. There is no reference to the inclusion of recycling collection containers or services for the expanded development identified in this Draft Mitigated Negative Declaration anywhere. This would include containers during the construction phase of the project, and subsequent long-term recycling collection services. The State of California has mandatory commercial recycling, as mandated by legislation, AB341. HBEB-7
 - Section (a-e), on page 15, paragraph 4, Short Term Construction Comment: This is the only reference to demolition.

ATTACHMENT NO. 6.57

8. Utilities and Service Systems

- 2. Clarification/Error Correction Required Section (f) on page 27, paragraph 4, Rainbow Disposal's Transfer Station has a design capacity of 4,000 tons per day. Section (f) on page 27, paragraph 5, The reference to the California Integrated Waste Management Board (CIWMB) is in error. The correct title of this State oversight agency is The California Department of Resources Recycling and Recovery (CalRecycle), previously known as the California Integrated Waste Management Board (CIWMB).
- Recycling Services - The Environmental Board is concerned that the reference to commercial and construction waste does not adequately address the need and incorporation of recycling for construction and demolition materials (C/D) during the project; nor does it adequately address the inclusion of commercial recycling containers and the subsequent service of said recycling of commercial waste for the entire building as mandated by State of CA legislation, AB341.
- Omission of AB 341 Section (g) on page 28, paragraph 1 There is no reference or defined requirements regarding State of CA legislation, AB341.
- appropriate recycling of paint products and other stains and varnishes should be identified in this document.

HBEB-8

II. Project Suggestions

We request the owner utilize these simple and effective tools in order to properly address the following areas of concern:

1. Justification for accepting a LOS D needs to be better justified and the lack of parking, bike opportunities, public shuttle services, and related mobility topics identified and addressed.
2. The board suggests that the owner request City Water experts or the HB Chamber of Commerce Business Sustainable Action Committee to recommend steps to reduce storm water runoff through landscaping, retention, green roof strategies, etc. as well as HB Chamber/ Visitors Bureau sustainable restaurant best practices listed here¹. The options can reduce your operating costs and improve your public image.
3. The board suggests energy benchmarking as early as possible in the design stage. Voluntary LEED criteria are well known, but mandatory energy benchmarking is to become law on January 1, 2013 (AB 531; was AB 1103). The board suggests utilizing known LEED practices for energy efficiency with window placement, screening, tinting, awnings, landscaping etc.
4. The board suggests accommodation for public areas with seating access, bicycle parking and community art installations should be incorporated.
5. The board suggests adequate enclosure for both refuse and recycling be included in this proposal along with collection containers and service contracts. Show how the project will comply with AB341.
6. The board suggests the addition of onsite recycling throughout the duration of the project. It is further recommended that a portion of the construction and demolition waste be utilized for public art on the proposed site.
7. The board suggests the recycling of C/D materials which will significantly address carbon emissions reduction identified by State of CA legislation, AB32.

HBEB-9

HBEB-10

HBEB-11

12

13

14

15

In summary, we believe that both public and developer interests in a vibrant, successful, and cite-friendly project can be reasonably and effectively strengthened through consideration of the above suggestions. As always, we remain available and eager to assist in any way the stakeholders deem appropriate. Thank you again for the opportunity to be of service.

Respectfully submitted

Michael Marshall, Chairman, HB Environmental Board



City of Huntington Beach

2000 Main Street • Huntington Beach, CA 92648

OFFICE OF THE CITY CLERK
JOAN L. FLYNN
CITY CLERK

RECEIVED

DEC 14 2010

Dept. of Planning
& Building

NOTICE OF ACTION CONDITIONAL USE PERMIT NO. 10-017 – PIERSIDE PAVILLION CARTS

December 13, 2010

Michael C. Adams Associates
P.O. Box 382
Huntington Beach, CA 92648

APPLICANT: Michael C. Adams Associates

APPELANT: Joe Carchio, Councilmember

REQUEST: Appeal of the Planning Commission's approval of **Conditional Use Permit No. 10-017** to permit the establishment and operation of 18 carts and kiosks within the Pierside Pavilion development as follows: six along Main Street (public property), six along Pacific Coast Highway (private property) and six within the plaza area (private property).

LOCATION: 300 Pacific Coast Highway, 92648 (northeast corner of Pacific Coast Highway and Main Street — Pierside Pavilion)

**PROJECT
PLANNER:** Ethan Edwards

On Monday, December 6, 2010 a public hearing was held to consider an appeal filed by Councilmember Joe Carchio of the Planning Commission's approval of Conditional Use Permit No. 10-017. The request was **approved as amended** by the Huntington Beach City Council: *Four carts on Main Street, six carts on Pacific Coast Highway and eight carts within the plaza area.*

FINDINGS AND CONDITIONS OF APPROVAL
CONDITIONAL USE PERMIT NO. 10-017

FINDINGS FOR PROJECTS EXEMPT FROM CEQA:

The City Council finds that the project will not have any significant effect on the environment and is Categorically Exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Section 15301, Class 1—*Existing Facilities*, because the project involves a minor modification to the operation of the existing development involving negligible expansion of an existing use.

FINDINGS FOR APPROVAL – CONDITIONAL USE PERMIT NO. 10-017:

1. Conditional Use Permit No. 10-017 for the establishment, maintenance and operation of 18 commercial carts and kiosks within the Pierside Pavilion development (four carts on public property along Main Street, six carts on private property along Pacific Coast Highway, and the remaining eight carts on private property within the southeasterly plaza area fronting Pacific Coast Highway) will not be detrimental to the general welfare of persons working or residing in the vicinity or detrimental to the value of the property and improvements in the neighborhood. As conditioned, the orientation of carts and kiosks with Main Street and Pacific Coast Highway will not impede pedestrian access and will maintain public views. The location of the carts and kiosks are designed to complement existing businesses and activate pedestrian corridors while remaining cognizant of adjacent residences by minimizing placement in close proximity to adjacent residential uses (i.e., Pier Colony). Based upon the conditions imposed, the operation will not impact pedestrian circulation, nor will the operation impact the surrounding businesses and residential uses.
2. The conditional use permit will be compatible with surrounding uses because the ancillary operation of commercial carts and kiosks is consistent with the zoning designation and does not represent a significant change from the existing commercial use. The site currently includes carts and kiosks and the conditional use permit will allow for the modified continuation of this ancillary use.
3. The proposed conditional use permit will comply with the provisions of the base district and other applicable provisions in Titles 20-25 of the Huntington Beach Zoning and Subdivision Ordinance. As conditioned, the project complies with all aspects of the SP5 (Downtown Specific Plan) including parking, onsite circulation, and setbacks. Carts and kiosks are permitted within the SP5 (Downtown Specific Plan) with the approval of a conditional use permit.
4. The granting of the conditional use permit will not adversely affect the General Plan. It is consistent with the Land Use Element designation of MV-F12-sp-pd (Mixed Use Vertical - 3.0 max. floor area ratio - 30 du/ac max. - Specific Plan Overlay -

- a. One set of project plans, revised pursuant to Condition of Approval No. 1, shall be submitted to the Planning Division for review, approval and inclusion in the entitlement file.
 - b. A new or amended License Agreement, including use fees, shall be obtained from the City for portable vending carts located on public property. The applicant shall apply for an obtain approval of the license agreement from the Public Works Department prior to improvements or use of public property. The License Agreement shall be subject to termination at any time upon a 10 day prior written notice upon determination of the City Council that one or more of the conditions or provisions of Section 4.2.33 or that one or more of the items listed under the Findings for Approval in this document, have been violated. Termination of a License Agreement shall nullify the conditional use permit.
(PW)
3. The use of the carts & kiosks shall comply with the following:
 - a. Hours of operation shall be limited to between 10:00 AM and 10:00 PM. **(ZA)**
 - b. The employees of the carts & kiosks shall park on the second (lowest) level of the Pierside Pavilion parking structure. **(ZA)**
 - c. The areas around the carts & kiosks shall be kept free of trash. **(ZA)**
 - d. Carts & kiosks shall be removed along Main Street during the annual 4th of July Parade and the annual Light a Light of Love Parade in December. **(CS)**
 - e. Carts & kiosks shall carry merchandise that is complementary to the existing inline retailers. **(ED)**
4. The design, colors, and materials of the carts & kiosks shall match the plans dated and received September 1, 2000 (DR No. 00-45).
5. Any trenching for proposed or required telephone and electrical conduits shall be replaced with concrete colors, textures, or pavers to match. Trenches shall be cut in a pattern that is complementary to existing concrete expansion patterns. **(ZA)**
6. The Director of Planning and Building ensures that all conditions of approval herein are complied with. The Director of Planning and Building shall be notified in writing if any changes to cart and kiosk operations are proposed as a result of the ongoing operation and oversight of the use.
7. Minor modifications to the plans shall be reviewed and approved by the Department of Planning and Building for conformance with the intent of the City Council's action. If the proposed changes are of a substantial nature, an amendment to the original entitlement reviewed by the City Council may be required.
8. A review of the use shall be conducted by the Director of Planning and Building approximately twelve (12) months after Condition of Approval No. 2 has been satisfied to verify compliance with all conditions of approval and applicable Chapters of the Huntington Beach Zoning and Subdivision Ordinance (HBZSO) and

ACTION AGENDA

Monday, December 6, 2010

CITY COUNCIL, REDEVELOPMENT AGENCY
and PUBLIC FINANCING AUTHORITY

CITY OF HUNTINGTON BEACH

No Study Session

5:00 PM – Closed Session

6:00 PM – Regular Meeting

Council Chambers - 2000 Main Street

Huntington Beach, CA 92648

<http://www.surfcity-hb.org>

MAYOR AND CITY COUNCIL

CATHY GREEN
Mayor

JILL HARDY
Mayor Pro Tem

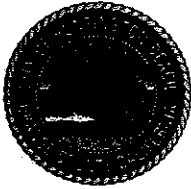
GIL COERPER
Councilmember

KEITH BOHR
Councilmember

DEVIN DWYER
Councilmember

JOE CARCHIO
Councilmember

DON HANSEN
Councilmember



5:00 PM - Council Chambers - Closed Session

6:00 PM - Council Chambers - Regular Business Meeting

The City Clerk will recess the 4:00 PM portion of the meeting to 5:00 PM due to an anticipated lack of quorum. Council will convene in the Council Chambers at that time.

CALL TO ORDER- 5:00 PM

ROLL CALL

Carchio, Coerper, Hardy, Green Bohr, Dwyer, Hansen
All Present (Coerper arrived 5:05 PM)

ANNOUNCEMENT OF COMMUNICATIONS RECEIVED AFTER AGENDA DISTRIBUTION
PERTAINING TO CLOSED SESSION ITEMS

*City Clerk Joan L. Flynn announced Late Communications: Item pertaining to
Frontage Road*

PUBLIC COMMENTS PERTAINING TO CLOSED SESSION ITEMS (3 Minute Time Limit)
1 Speaker

RECESS TO CLOSED SESSION – 5:05 PM

CLOSED SESSION

1. Pursuant to Government Code § 54956.9, the City Council shall recess into closed session to confer with the City Attorney regarding the following lawsuit:

**COUNCIL COMMITTEE – APPOINTMENTS – LIAISON REPORTS AND ALL AB
1234 DISCLOSURE REPORTING
Coerper, Hardy, Green reported.**

CONSENT CALENDAR

1. Approve and adopt minutes

Recommended Action:

Approve and adopt the minutes of the City Council/Redevelopment Agency/Public Financing Authority regular meeting of November 15, 2010 as written and on file in the Office of the City Clerk.

Approved 7-0

2. Adopt Resolution No. 2010-98 declaring disposition of certain surplus property; and, approve and authorize execution of a Purchase Agreement between the City and Beach Promenade LLC for the purchase of property referred to as the Beach/Atlanta Frontage Road

Recommended Action:

A) Approve and authorize the Mayor and City Clerk to execute the "Purchase Agreement By and Among the City of Huntington Beach, a Municipal Corporation, and Beach Promenade LLC, a California Limited Liability Company," for the purchase of property commonly referred to as the Beach Atlanta Frontage Road; and,

B) Authorize the City Administrator or his designee to execute any other related escrow documents; and,

C) Adopt Resolution No. 2010-98, "A Resolution of the City Council of the City of Huntington Beach Declaring the Disposition of Certain Surplus Property."

Approved with amendment to buying agreement. The buyer is responsible for paying all of the escrow fees and the City will defer an initial payment of the \$50,000, less the City's portion of the escrow fees, to not more than 120 days after the issuance of the certificate of occupancy for parcel #1.

Approved 7-0

3. Approve and authorize execution of Amendment No. 1 to the Professional Services Contract between the Redevelopment Agency of the City of Huntington Beach and Kane, Ballmer & Berkman for Legal Services in the amount of \$150,000 for a total contract amount not to exceed \$300,000

Redevelopment Agency Recommended Action:

Approve and authorize the Chairperson and Agency Clerk to execute "Amendment No. 1 to Professional Services Contract Between the Redevelopment Agency of the City of Huntington Beach and Kane, Ballmer & Berkman for Legal Services."

Approved 7-0

PUBLIC HEARING

7. **Approve Conditional Use Permit No. 10-017 (Appeal of Planning Commission's Approval – Pierside Pavillion Carts)**
CONTINUED FROM THE NOVEMBER 15, 2010 MEETING

Staff Recommended Action:

Approve Conditional Use Permit No. 10-017 with findings and suggested conditions of approval (**two carts** on Main Street, **four carts** on Pacific Coast Highway, and **eight carts** within plaza area).

-or-

Planning Commission Recommended Action:

Approve Conditional Use Permit No. 10-017 with revised findings and revised conditions of approval (**zero carts** on Main Street, **six carts** on Pacific Coast Highway, and **eight carts** within the plaza area).

3 Speakers

Approved as amended to four carts on Main Street, six carts on Pacific Coast Highway and eight carts within the plaza area. The Director of Planning, staff and a representative of the Police department will meet with the applicant to find the best configuration/locations for the carts and there will be a review by the Planning Director after one year.

Approved 4-3 (Coerper, Hardy, Green no)

ORDINANCES FOR ADOPTION

8. **Adopt Ordinance No. 3904 adding Chapter 17.14 to the Huntington Beach Municipal Code (HBMC) relating to post disaster safety assessment placards**
Approved for introduction November 15, 2010

Recommended Action:

After the City Clerk reads by title, adopt of Ordinance No. 3904, "An Ordinance of the City of Huntington Beach Adding Chapter 17.14 of the Huntington Beach Municipal Code Relating To Safety Assessment Placards."

Approved 7-0

9. **Adopt Ordinance No. 3905 amending Chapter 14.12 of the Huntington Beach Municipal Code (HBMC) relating to fees, rates and deposits for water billing**
Approved for introduction November 15, 2010

Recommended Action:

After the City Clerk reads by title, adopt Ordinance No. 3905, "An Ordinance of the City of Huntington Beach Amending Chapter 14.12 of the Huntington Beach Municipal Code Relating to Water Billing."

Approved 7-0

Recess - Reception in meeting rooms adjacent to the Council Chambers

**RECONVENE CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCE
AUTHORITY MEETING**

CALL TO ORDER – 8:45 PM

City Clerk presides

ROLL CALL (alphabetical order)

Boardman, Bohr, Carchio, Dwyer, Hansen, Harper, Shaw
All Present

CONDUCT ELECTION OF MAYOR FOR ENSUING YEAR

City Clerk calls for motion to elect new Mayor
Councilmember Carchio elected new Mayor.
Approved 7-0

OATH OF OFFICE TO NEW MAYOR

City Clerk administers Oath of Office to new Mayor

New Mayor presides

CONDUCT ELECTION OF MAYOR PRO TEMPORE FOR ENSUING YEAR

New Mayor calls for motion to elect Mayor Pro Tempore
Councilmember Hansen elected new Mayor Pro Tempore.
Approved 7-0

OATH OF OFFICE TO NEW MAYOR PRO TEMPORE

City Clerk administers Oath of Office to new Mayor Pro Tempore

Comments by newly elected Mayor

Comments by newly elected and re-elected City Councilmembers and City Attorney

COUNCILMEMBER COMMENTS (Not Agendized)

None

ADJOURNMENT – 9:07 PM

Adjournment to **Monday, December 20, 2010**, at 4:00 PM in Room B-8, Civic Center, 2000
Main Street, Huntington Beach, California.

**INTERNET ACCESS TO CITY COUNCIL/REDEVELOPMENT AGENCY/PUBLIC FINANCING AUTHORITY
AGENDA AND STAFF REPORT MATERIAL IS AVAILABLE PRIOR TO CITY COUNCIL MEETINGS AT
<http://www.surfcity-hb.org>**

RESOLUTION NO. 2011-16

A RESOLUTION OF THE CITY COUNCIL OF THE
CITY OF HUNTINGTON BEACH ESTABLISHING CONDITIONS OF
APPROVAL FOR EATING AND DRINKING ESTABLISHMENTS WITH
ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT

WHEREAS, the City of Huntington Beach desires to maintain a vibrant and safe downtown commercial area to be enjoyed by visitors, residents and families; and

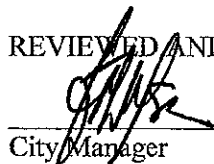
Toward that end, the City Council has established standardized Conditions of Approval for Conditional Use Permits in the Downtown Specific Plan District 1 area with alcoholic beverage sales and/or an entertainment permit,

NOW, THEREFORE, the City Council of the City of Huntington Beach does hereby resolve as follows:

1. That the Conditions of Approval set forth in Exhibit A attached hereto and incorporated by this reference shall apply to all eating and drinking establishments located in the designated area with alcoholic beverage sales.
2. That the Conditions of Approval set forth in Exhibit B attached hereto and incorporated by this reference shall apply to all eating and drinking establishments located in the designated area with alcoholic beverage sales and live entertainment.
3. These proposed conditions shall apply to conditional use permit applications applied for subsequent to adoption of this Resolution only when the application is a new request for either the service of alcoholic beverages or entertainment, and shall remain in effect unless modified by the reviewing body as part of the Conditional Use Permit via a public hearing.
4. Resolution No. 2010-05 is hereby repealed.

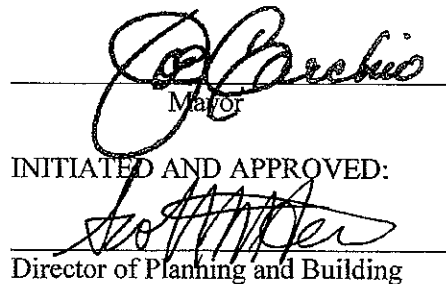
PASSED AND ADOPTED by the City Council of the City of Huntington Beach at a regular meeting thereof held on the 7th day of March, 2011.

REVIEWED AND APPROVED:



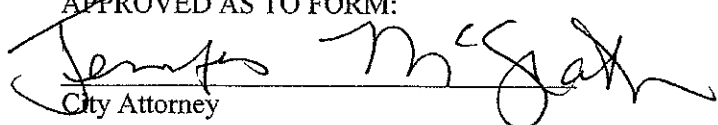
City Manager

INITIATED AND APPROVED:



Director of Planning and Building

APPROVED AS TO FORM:



City Attorney

EXHIBIT B

EATING AND DRINKING ESTABLISHMENTS WITH
ALCOHOLIC BEVERAGE SALES AND LIVE ENTERTAINMENT:

The following standard Conditions of Approval shall be part of any Conditional Use Permit from the Zoning Administrator or Planning Commission and the Entertainment Permit from the Police Department for the establishment of any eating and drinking establishment located within the Downtown Specific Plan area with alcohol beverage sales and entertainment, District 1:

- 1) Hours of alcohol sales shall be limited to between 7:00 a.m. to 12:00 a.m. midnight except for a business proposed in the following locations:
 - a. West side of 5th Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. to 10:00 p.m.
 - b. East side of 3rd Street between Walnut Avenue and Orange Avenue the hours of operation shall be limited to between 7:00 a.m. and 10:00 p.m.
- 2) A minimum of 70 percent of the net floor area of the establishment shall be designated as dining area excluding back of house areas (such as areas used for cooking, kitchen preparation, office, storage, and restrooms) and outdoor dining areas.
- 3) The seating capacity at all times within the dining area, excluding outdoor dining areas, shall be able to accommodate a minimum of 100 people.
- 4) Full food service menu items shall be served, a minimum, until one (1) hour before closing, and a cook and food server shall be on duty during these times.
- 5) Alcoholic drinks shall not be included in the price of admission to any establishment.
- 6) There shall be no requirement for patrons to purchase a minimum number of alcoholic drinks.
- 7) All alcohol shall remain on the establishment's premises, including within outdoor dining areas.
- 8) An employee of the establishment must be present at all times in areas within the establishment where alcohol is served.
- 9) If dancing is allowed, the activity must be specifically identified as part of the Entertainment Permit and only in a pre-approved designated area.
- 10) Games or contests requiring or involving consumption of alcoholic beverages shall be prohibited.
- 11) No outside promoters can be used under any circumstances.

Res. No. 2011-16

STATE OF CALIFORNIA
COUNTY OF ORANGE) ss:
CITY OF HUNTINGTON BEACH)


I, JOAN L. FLYNN the duly elected, qualified City Clerk of the City of Huntington Beach, and ex-officio Clerk of the City Council of said City, do hereby certify that the whole number of members of the City Council of the City of Huntington Beach is seven; that the foregoing resolution was passed and adopted by the affirmative vote of at least a majority of all the members of said City Council at a **regular** meeting thereof held on **March 07, 2011** by the following vote:

AYES: Harper, Hansen, Carchio, Bohr, Dwyer

NOES: Shaw, Boardman

ABSENT: None

ABSTAIN: None



City Clerk and ex-officio Clerk of the
City Council of the City of
Huntington Beach, California

ATTACHMENT NO. 8.3